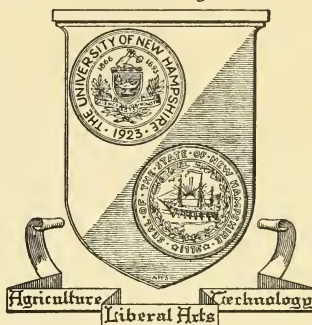




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# JOURNAL

## OF THE

### HONORABLE SENATE

JANUARY SESSION OF 1961

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WEDNESDAY, JANUARY 4, 1961

The Senate met at 11:00 o'clock.

At eleven o'clock in the forenoon of the first Wednesday in January, in the year of our Lord, one thousand nine hundred and sixty-one, being the day prescribed by the Constitution for the Legislature of New Hampshire to assemble at the Capitol in the City of Concord in said State, and His Excellency the Honorable Wesley Powell, Governor, having come into the Senate Chamber, took and subscribed the oaths of office, and were duly qualified as Senators agreeably to the provisions of the Constitution, namely:

District No. 1.	Laurier A. Lamontagne
District No. 2.	Arthur M. Drake
District No. 3.	Norman A. McMeekin
District No. 4.	Howard P. Sawyer
District No. 5.	Robert S. Monahan
District No. 6.	Edith B. Gardner
District No. 7.	James C. Cleveland
District No. 8.	Marion L. Phillips
District No. 9.	Philip S. Dunlap
District No. 10.	Charles C. Eaton
District No. 11.	Robert English
District No. 12.	Nelle L. Holmes

District No. 13.	Louis W. Paquette
District No. 14.	John E. Bunten
District No. 15.	Charles H. Cheney
District No. 16.	Samuel Green
District No. 17.	Marye Walsh Caron
District No. 18.	Paul E. Provost
District No. 19.	Paul H. Daniel
District No. 20.	Lucien E. Bergeron
District No. 21.	Thomas C. Dunnington
District No. 22.	Frank T. Buckley
District No. 23.	Nathan T. Battles
District No. 24.	Cecil Charles Humphreys

His Excellency, the Governor, withdrawing, the Senate was called to order by Benjamin F. Greer, Clerk of the 1959 session of the Senate.

The Clerk stated that the first business was the election of a temporary presiding officer.

On motion of Senator Green, seconded by Senator Caron, Senator Cleveland was unanimously elected temporary presiding officer.

The Clerk requested Senators Lamontagne and Dunlap to escort the temporary presiding officer to the rostrum.

Senator Cleveland presiding, requested the presentation of nominees for the office of President of the 1961 Senate.

Senator Dunlap placed in nomination the name of Senator Samuel Green of District No. 16 for the office of President of the 1961 Senate.

Senator Holmes seconded the nomination.

Senator Lamontagne placed in nomination the name of Senator Caron of District No. 17 for the office of President of the 1961 Senate.

Senator Provost seconded the nomination.

The Chair appointed Senators Lamontagne and Dunlap to assist the Clerk in counting ballots.

The Senate proceeded to the choice of a President by balloting, with the following result:

Whole number of votes cast	24
Necessary for choice	13
Senator Green	18
Senator Caron	6

THE Honorable Senator Green, District No. 16, having received a majority of all the votes cast, was declared elected.

On motion of Senator Caron, seconded by Senator Lamontagne, the election of Senator Green as President of the 1961 Senate was declared unanimous.

The presiding officer requested Senators Holmes and Caron to escort the President to the rostrum.

The President, having assumed the Chair, addressed the Senate briefly, expressing his thanks and appreciation of the high honor bestowed upon him: "Fellow Members of the Senate: Customarily at this time, the President of the Senate says a few words. I don't intend to go into any long talk because I feel that the aim of the Senate in the coming five or six months is going to be work — less talk and more action. I appear before you not unmindful of the responsibility that you have placed upon me. I ask the cooperation and the support of all for the betterment of the government of our State and the citizens of our State. By joining hands, we can accomplish that. I realize that there will be differences, but I also realize that this is the United States. We have no set form; we can differ, but after the differences are resolved, one way or another, we are still mindful of the fact that we represent the citizens of our State. I expect that full Committee assignments will be published in the Journal. I wish to announce at this time the appointment of Senator Battles, District No. 23, as Majority leader and Senator Humphreys, District No. 24, as assistant Majority leader. Senator Caron, District No. 17, Minority leader and Senator Bergeron, District No. 20, assistant Minority leader."

### Introduction of Guests

The following guests were welcomed to the Senate by the President:

As the guests of the President, his wife, Mrs. Samuel Green, and Mrs. Abraham Bresnick and son, Martin J. Bresnick, all of Manchester.

As the guests of Senator Gardner, her husband, Mr. Walter Gardner, and Edith McCrea and Nellie Qualey from Laconia.

### Resolutions

On motion of Senator McMeekin, seconded by Senator Caron, the following Resolution was unanimously adopted:

*Resolved*, That the President cast one ballot for the election of Benjamin F. Greer as Clerk; Esther T. Hurd as Senate Recorder; and Nathan A. Tirrell as Sergeant-at-Arms.

On motion of Senator Cleveland, seconded by Senator Holmes, the following Resolution was unanimously adopted:

*Resolved*, That until otherwise ordered, the Senate will meet at 11 o'clock in the forenoon and at 2 o'clock in the afternoon.

On motion of Senator Caron, seconded by Senator Humphreys, the following Resolution was unanimously adopted:

*Resolved*, That the Secretary of State be requested to furnish the Senate with the official return of votes from the various Senatorial districts of the State.

On motion of Senator Cheney, seconded by Senator Caron, the following Resolution was unanimously adopted:

*Resolved*, That the return of votes from the several Senatorial Districts be referred to a select Committee of three with instructions to examine and count the same and report to the Senate where any vacancies exist and if so in what Senatorial Districts.

Pursuant to the above, the President appointed as members of said select Committee of three, Senators Gardner, Cheney and Caron.

On motion of Senator Eaton, seconded by Senator Caron, the following Resolution was unanimously adopted:



*Resolved*, That the Clerk be instructed to procure the services of three stenographers to perform such duties as may be assigned to them.

Pursuant to the above Resolution, the Clerk announced the appointment of Mrs. Virginia B. Hall, New London; Mrs. Cynthia H. Kirby, Penacook; and Mrs. Margaret Watson, Concord, as Stenographers for the Senate for the 1961 session.

On motion of Senator Battles, seconded by Senator Eaton, the following Resolution was unanimously adopted:

*Resolved*, That all bills and resolutions reported by the Committees, with the exception of new bills originating in the Committee, shall be handed to the Clerk who shall cause a list of said bills and joint resolutions to be published in the Calendar of the daily Journal, together with a report of the Committee previous to their presentation to the Senate.

On motion of Senator Lamontagne, seconded by Senator Caron, the following Resolution was unanimously adopted:

*Resolved*, That the Clerk of the Senate be authorized to furnish at the expense of the State during the session of 1961 two such newspapers printed within the State to the members and officers of the Senate as such members and officers may select and to the Governor and Council.

On motion of Senator Gardner, seconded by Senator Provost, the following Resolution was unanimously adopted:

*Resolved*, That the President of the Senate be authorized to appoint a telephone messenger and an assistant messenger for the ensuing session.

The Secretary of State appeared to submit the official return of votes from the various Senatorial Districts of the State in the 1960 election, as requested by previous Resolution.

On motion of Senator English, seconded by Senator Caron, the following Resolution was unanimously adopted:

*Resolved*, That the House of Representatives be informed that the Senate will be ready to meet in joint convention for

the purpose of canvassing the votes for Governor and Councilors and for the election of Secretary of State and State Treasurer.

Senator McMeekin, seconded by Senator Dunlap, offered the following amendment to Senate Rules:

I move to adopt the rules of the 1959 Session with the following amendments:

Amend Rule 36 by striking out the words, a Counsel to the Senate, and inserting in place thereof the following, "either a counsel or an Assistant Clerk", so that said section as amended shall read as follows:

36 The staff of the Senate shall be composed of the following attaches to be elected by the Senate — a clerk, either a Counsel to the Senate or an Assistant Clerk, a Senate recorder, a sergeant-at-arms, a messenger, a doorkeeper; and the following attaches who shall be appointed by the President of the Senate: an assistant messenger. Such stenographic and other clerical assistance as the President of the Senate may deem necessary shall be appointed by the clerk.

Amend Rule 36 A by adding at the end thereof the following, "The Assistant Clerk if elected shall have the handling and care of all bills, resolutions and documents of the Senate and recording the same in the docket, so that said section as amended shall read as follows:

36 A The clerk of the Senate shall be the chief administrative officer in charge of all attaches and clerical help in the Senate and is responsible to the President for the proper administrative functioning of the staff. The clerk shall also be responsible for appearances of notices in the Journal and the make-up of the appendix to the Journal. The Assistant Clerk, if elected, shall have the handling and care of all bills, resolutions and documents of the Senate and recording same in the docket.

Amend Rule 36 B by inserting in the first line after the word, Senate, the words, "if one be elected", so that said section as amended shall read as follows:

36 B The counsel to the Senate if one be elected, shall be a lawyer, whose duties shall be, in addition to the handling

and care of all bills, resolutions and documents of the Senate and recording same in the docket, to act as legal counsel to the senators rendering them assistance in the preparation of bills and amendments and such other legal advice as they may request pertaining to their duties as senators; and to the President in the execution of his duties as the presiding officer. In the absence or incapacity of the clerk of the Senate the counsel for the Senate shall be the acting clerk.

Senator McMeekin spoke in support of the amendment.

Senator Eaton spoke in opposition to the amendment.

Senator Daniel demanded a Roll Call.

The Clerk proceeded to call the Roll.

The following named Senators voted in the affirmative: McMeekin, Monahan, Cleveland, Dunlap, English, Holmes, Paquette, Bunten, Caron, Bergeron and Dunnington.

The following named Senators voted in the negative: Lamontagne, Drake, Sawyer, Gardner, Phillips, Eaton, Cheney, Provost, Daniel, Buckley, Battles and Humphreys.

Eleven Senators having voted in the affirmative, and twelve Senators having voted in the negative, the negative prevailed, and the amendment was not adopted.

Question now being on the adoption of the Resolution that the rules of the 1959 session be the rules of the 1961 session.

On a *vive voce* vote, the affirmative prevailed, and the Resolution was adopted.

Senator Eaton presiding.

### House Message

*Mr. President:*

The House of Representatives has passed the following Resolution:

Resolved, That the Honorable Senate be informed that the House of Representatives will be ready to meet the Senate in joint convention for the purpose of canvassing the votes for

Governor and Councilors agreeable to the Constitution and for the election of a Secretary of State and State Treasurer.

The Message further stated that the House of Representatives has organized by the choice of Stewart Lamprey as Speaker, Francis Tolman as Clerk, John Milton Street as Assistant Clerk, Lloyd E. Fogg as Sergeant-at-Arms and the following doorkeepers:

Mr. Young of Campton  
Mrs. Gould of Errol  
Mrs. Boutwell of Concord  
Mr. Robinson of Dover  
Mr. Richardson of Randolph

The Chair declared a Recess until 2 o'clock.

(Recess)

The Senate re-assembled.

### **Announcement by the President**

"The program for the afternoon will be as follows:

1. Joint Convention with the House of Representatives for the election of Secretary of State and State Treasurer.

2. Then return to the Senate Chamber for adjournment. Following adjournment, the Republican members will meet to complete the business left over from the Caucus of last evening.

3. Tomorrow we will convene at the Manchester Armory in a room to the right of the main entrance. The parking lot will be reserved for members of the General Court until 11 o'clock. The cloak room is also reserved for members of the General Court. That is downstairs. We will meet in the room, convene and then proceed to the main drill shed for the joint convention. There will be aides to take us to the various places. Three main divisions; 2 rows in the left and right of the main drill shed. In the rear of the left will be the members of families of the Senators who care to attend. A special place for them. I would like to make it clear that it is imperative that you be there before 11 o'clock in order to get a parking space. The



ceremony will start in main drill shed at 11:30 and will probably be over about 1 p. m."

### **Introduction, First and Second Reading of Senate Bills**

To the Committee on Banks & Insurance:

SB 1, An act to provide partial relief for depositors in commercial account in Valley Trust Company. (Senator Cleveland)

SB 11, An act relative to cancellation of motor vehicle liability insurance policies. (Senator Green)

SB 15, An act in relation to Hillsboro Guaranty Savings Bank. (Dunlap)

To the Committee on Executive Dept., Municipal & County Government:

SB 2, An act relating to incompatible town offices. (Humphreys)

SB 5, An act relative to state and town bridge aid. (Cheney)

SB 10, An act relative to penalty for intimidation of state officials and employees. (McMeekin)

SB 13, An act relative to variations in federal census figures for the apportionment of state representatives. (McMeekin)

To the Committee on Transportation:

SB 3, An act relative to protection at railroad crossings. (Battles)

To the Committee on Judiciary:

SB 4, An act increasing the salary of the Hillsborough county attorney. (Green)

To the Committee on Public Works:

SB 6, An act relative to performance bonds on federal aid highway projects. (Dunlap)

SB 9, An act relative to duties of the state historical commission as to erection of historic signs. (Dunnington)

SB 12, An act relative to the classification of a highway in the city of Lebanon. (Monahan)

SB 14, An act changing the classification of a highway in the town of Haverhill. (McMeekin)

To the Committee on Education:

SB 7, An act relative to educational assistance to the blind. (Gardner)

SB 8, An act relative to the Nesmith Trust Fund. (Gardner)

### **Announcement by the President**

“There has been some question as to the validity of the oath of office as administered to the members of the Senate. In accordance with an opinion of the Attorney General. I rule that the oath of office to the Senate was a valid oath.”

(The Senate recessed in order to meet with the House of Representatives in Joint Convention)

The Senate re-assembled.

On motion of Senator Eaton, seconded by Senator Caron, the following were unanimously elected:

Arthur Marx, Senate Counsel  
Daniel Cronin, Doorkeeper  
Maurice Youman, Messenger

### **House Message**

*Mr. President:*

The House of Representatives has passed the following Concurrent Resolution, in the passage of which it asks the concurrence of the Honorable Senate:

*Resolved*, by the House of Representatives, the Senate concurring, That the Speaker of the House of Representatives and the President of the Senate are hereby authorized to take over immediately such rooms on the third floor of the State House as may be necessary for the use of said House of Representatives and Senate for Committee hearing rooms.

On motion of Senator Battles, the rules of the Senate were so far suspended as to place the above Concurrent Resolution on its third reading and final passage at the present time.

### **Third Reading and Final Passage of the Above Concurrent Resolution**

#### **Committee Report**

Report of the select Committee of three to whom was referred the various returns of votes for Senators from the several Districts.

The select committee to whom was referred the various returns of votes for senators from the several districts, having attended to their duties and having examined the returns made to the Acting Secretary of State and the records in the office of said secretary, report that they find the state of the vote returned from the several districts as follows:

#### **First District**

Laurier Lamontagne, d, Berlin	6,600
Laurier Lamontagne, r, Berlin	4,007

#### **Second District**

Arthur M. Drake, r, Lancaster	4,999
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#### **Third District**

Norman A. McMeekin, r, Haverhill	6,585
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#### **Fourth District**

Howard P. Sawyer, r, Brookfield	7,384
Lawrence J. Walsh, d, Wolfeboro	1,501

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Plurality for Sawyer	5,883
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#### **Fifth District**

Robert S. Monahan, r, Hanover	8,565
Robert S. Monahan, d, Hanover	2,849

#### **Sixth District**

Edith B. Gardner, r, Gilford	7,663
Hugh H. Bownes, d, Laconia	5,055

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Plurality for Gardner	2,608
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**Seventh District**

James C. Cleveland, r, New London	5,954
Donald W. Cushing, d, Franklin	4,329

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Plurality for Cleveland	1,625
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**Eighth District**

Marion L. Phillips, r, Claremont	7,282
James L. Farley, d, Cornish	5,754

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Plurality for Phillips	1,528
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**Ninth District**

Philip S. Dunlap, r, Hopkinton	7,484
Everett Feldblum, d, Hillsborough	2,505

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Plurality for Dunlap	4,979
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**Tenth District**

Charles C. Eaton, r, Stoddard	6,588
Gerard F. Russell, d, Keene	4,516

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Plurality for Eaton	2,072
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**Eleventh District**

Robert English, r, Hancock	7,542
Robert English, d, Hancock	2,838

**Twelfth District**

Nelle L. Holmes, r, Amherst	9,514
John J. Stevens, d, Amherst	5,710

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Plurality for Holmes	3,804
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**Thirteenth District**

Louis W. Paquette, d, Nashua	10,215
Andrew W. Bernier, r, Nashua	3,204

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Plurality for Paquette	7,011
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**Fourteenth District**

John E. Bunten, r, Dunbarton	7,672
Frederick W. Branch, Jr., d, Goffstown	6,185

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Plurality for Bunten	1,487
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**Fifteenth District**

Charles H. Cheney, Sr., r, Concord	4,342
Major L. Rodd, d, Concord	2,574

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Plurality for Cheney	1,768
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**Sixteenth District**

Samuel Green, r, Manchester	5,178
George R. MacLellan, d, Manchester	4,403

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Plurality for Green	775
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**Seventeenth District**

Marye Walsh Caron, d, Manchester	5,450
Harold R. Thacker, r., Manchester	3,159

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Plurality for Caron	2,291
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**Eighteenth District**

Paul E. Provost, d, Manchester	10,524
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**Nineteenth District**

Paul H. Daniel, d, Manchester	4,581
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**Twentieth District**

Lucien E. Bergeron, d, Rochester	8,437
George E. Chase, r, Rochester	6,191

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Plurality for Bergeron	2,246
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**Twenty-first District**

Thomas C. Dunnington, r, Dover	6,790
Alfred Catalfo, Jr., d, Dover	5,440

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Plurality for Dunnington	1,350
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**Twenty-second District**

Frank T. Buckley, r, Derry	13,016
Elmer E. Bussey, d, Salem	7,152

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Plurality for Buckley	5,864
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**Twenty-third District**

Nathan T. Battles, r, Kingston	11,141
Earl J. Pollard, d, Kingston	4,698

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Plurality for Battles	6,443
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**Twenty-fourth District**

Cecil Charles Humphreys, r, New Castle	7,013
Samuel A. McMaster, d, Portsmouth	6,124

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Plurality for Humphreys	889
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On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for 2 o'clock to be made in order at the present time.

**Afternoon Session****Introduction of Guests**

The President welcomed to the Senate two former Presidents of the Senate, Senator Packard and Senator Ferguson.

Senator Humphreys offered the following Resolution:

*Resolved,* That the President of the Senate take whatever steps may be required to provide at least 5 more tables and 30 more chairs for the cafeteria.

The President referred the above Resolution to the Committee on Rules.

On motion of Senator Caron, seconded by Senator Daniel, the Senate adjourned at 3:30 P. M. to meet tomorrow morning at 11 o'clock at the National Guard Armory in Manchester.

THURSDAY, JANUARY 5, 1961

The Senate met according to adjournment.

### House Message

*Mr. President:*

The House of Representatives has passed the following Resolution, in the passage of which it asks the concurrence of the Honorable Senate:

*Resolved*, That the Honorable Senate be notified that the House of Representatives will be ready to meet the Senate in joint Convention at 11:45 o'clock for the purpose of receiving His Excellency, the Governor, and to hear any communication he may be pleased to make, and for the transaction of such other business as may properly come before such Convention.

### Resolution

On motion of Senator Caron, the following Resolution was unanimously adopted:

*Resolved*, That the Senate be ready to meet the House of Representatives in Joint Convention as suggested by the House Message above at 11:45 o'clock, for the purpose of receiving His Excellency, the Governor, and any communication that he may be pleased to make and for the transaction of any other business that may properly come before such Convention.

The President declared a Recess.

(Recess)

(See House Journal)

The Senate re-assembled.

Senator Dunlap presiding.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for 2 o'clock to be made in order at the present time.

### Afternoon Session

On motion of Senator Caron, the Senate adjourned at 12:45 o'clock, to meet next Tuesday morning at 11 o'clock in the Senate Chamber of the State House at Concord.

TUESDAY, JANUARY 10, 1961

The Senate met according to adjournment.

### Leave of Absence

Senator Bergeron was granted Leave of Absence for the day on account of important business.

### Introduction of Guest

The President welcomed as guest of the Senate, Mr. David K. Park, of Dartmouth College.

Senator Monahan:

*Mr. President:*

On a point of personal privilege, I wish to thank you for introducing Mr. David K. Park, one of my several non-voting constituents.

By way of further introduction, I would like to explain that Mr. Park, a Dartmouth junior from Manitou Springs, Colorado, is majoring in the Department of Government. He is one of two scholars recently selected as the first recipients of a new award, called for lack of a better term — a Legislative Internship.

This program enables him — and his associate, Mr. Howard Weinberg of Omaha, Nebraska, who is now attending to the deliberations of the House, an opportunity to observe our activities during the winter term of the college.

Such an adjunct to classroom instruction is long overdue, in my opinion. Our colleges and universities are teaching and graduating innumerable potential political leaders, well grounded in theory but necessarily limited in experience.

I would remind my Democratic colleagues that the next President of the United States has already seen fit to fill many important positions with those directly associated with various colleges and universities, especially from his own Alma Mater, Harvard University.

One valid criticism of some such appointees is their lack of practical political experience to blend with their recognized knowledge of the theory of government. This new program, of

which Mr. Park is a pioneer, seeks in a modest way to correct that deficiency.

I would appreciate the cooperation of my colleagues during the next several weeks in answering questions and discussing issues with our student guest that may enable him to understand the practical aspects of political activities.

### Announcement by the President

The President announced the following appointments:

As telephone messenger, Mrs. Helen Greenough of Concord.

As assistant messenger, Mr. Richard K. McCarty of Manchester.

On motion of Senator Monahan, the following Resolution was unanimously adopted:

*Resolved*, That the President of the Senate appoint a Committee of three to assign Committee Rooms to the various Committees of the Senate.

Pursuant to the above, the President appointed as members of the Committee of three above, Senators Monahan, Dunnington and Paquette.

On motion of Senator Holmes, the following Resolution was adopted by a unanimous standing vote:

*Whereas*, we have learned of the recent death of former Senator Erwin E. Cummings of Lyndeborough, and

*Whereas*, Senator Cummings served his state, county and town in many capacities and was held in high esteem by all who knew him, therefore be it

*Resolved*, That we, the members of the Senate, hereby extend our sincere sympathy to his family in its bereavement, and be it further

*Resolved*, That a copy of these resolutions be transmitted by the Clerk of the Senate to Mrs. Cummings.

On motion of Senator Battles, the following Resolution was unanimously adopted:

*Resolved*, That the Senate adopt the Joint Rules of the 1959 session.

### **Announcements — Committee Assignments**

The President requested the Clerk to read the list of Committee assignments:

#### **Standing Committees of the Senate**

##### **Agriculture**

Senators Bunten, Gardner, Monahan, Eaton and Provost.

##### **Banks & Insurance**

Senators Dunlap, Cleveland, Bunten, Daniel and Bergeron.

##### **Claims**

Senators English, Cheney, McMeekin, Dunlap and Paquette.

##### **Education**

Senators Holmes, Drake, Monahan, English and Daniel.

##### **Engrossed Bills**

Senators Monahan, Phillips and Provost.

##### **Executive Depts., Municipal & County Government**

Senators Humphreys, Buckley, Battles, Sawyer and Caron.

##### **Finance**

Senators Cheney, Humphreys, Dunnington, Gardner, Drake, Caron and Provost.

##### **Fisheries & Game**

Senators Drake, Sawyer, Cheney, Dunnington and Paquette.

##### **Interstate Cooperation**

The President, Senators Humphreys, Battles, Caron and Bergeron.

##### **Judiciary**

Senators Cleveland, Battles, English, Sawyer, Phillips, Bergeron and Lamontagne.

##### **Labor**

Senators Phillips, English, Gardner, Caron and Lamontagne.

**Liquor Laws**

Senators Gardner, Dunnington, Dunlap, Provost and Bergeron.

**Military & Veterans Affairs**

Senators McMeekin, Buntten, Holmes, Caron and Lamontagne.

**Public Health, Welfare & State Institutions**

Senators Sawyer, Dunlap, Phillips, Drake and Lamontagne.

**Public Works**

Senators Dunnington, Eaton, Humphreys, Buckley and Bergeron.

**Resources, Recreation & Development**

Senators Battles, Monahan, Eaton, Humphreys and Daniel.

**Rules**

The President, Senators Battles and Caron.

**Transportation**

Senators Buckley, McMeekin, Cleveland, Holmes and Paquette.

**Ways & Means**

Senators Eaton, Holmes, Buckley, McMeekin, Buntten, Daniel and Paquette.

**Statement by the President**

“Relative to Committee appointments:

“I received quite a bit of recommendation from members of the Senate and former Presidents, but I had one policy in mind and that is, one rule that I learned in the military — that none of us are indispensable. I assume that every member of the Senate is qualified for any post and that it is just a matter of placing them in the various slots. I would ask the Chairmen of the various Committees to organize as soon as possible. Some bills have already been referred to Committee. I would ask the Room Committee to meet with the Clerk immediately after adjournment. I realize that under the constitutional limitation the mileage stops as of the first of July. On July 5th, my wife and I are celebrating our 25th wedding anniversary and we had planned a trip out west. I had planned a dinner party for the group the early part of June. Senator English has stated

that if we can get out of here in May, he will pay for the dinner. I hope we are all friends, but if you want to stick Bob English with the bill, let's get out in May. There is only one way to do it and that is to start to work."

The President announced that there would be a meeting of the Rules Committee following adjournment. At that time, the Resolution of Senator Humphreys relative to additional chairs and tables for the cafeteria will be taken up. He requested Senator Humphreys to attend the meeting.

### Communications

The President stated that he had received three communications and requested the Clerk to read same.

1. Letter from Postmaster of Concord, requesting that members of the Senate not park in front of the 12-minute meters near the postoffice. Also, not in the postoffice parking lot which is limited to employees there.
2. Relative to reference desk, manned by Mr. Hazelton, outside the two Chambers, to be maintained as of last session.
3. Letter from Chairman of Public Utilities Commission relative to extra copies of their Biennial Report being available to the members of the Senate at their office.

Senator Lamontagne presiding.

Senator Humphreys informed the members of the Senate that he had placed on each desk copies of the brochure relative to Strawberry Bank of Portsmouth. Stated that legislation passed last session had enabled the State to go ahead with this brochure.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order at 2 o'clock this afternoon to be in order at the present time.

### Afternoon Session

Senator Humphreys requested the members of the Committee on Executive Departments, Municipal & County Government to meet with him after adjournment in the Dartmouth corner.

Senator Holmes requested the members of the Committee on Education to meet with her at the press desk.



Senator Cheney requested the Finance Committee to meet tomorrow morning at 10 o'clock in Room 317.

Senator Monahan requested the Committee on Room assignments to meet with the Clerk after adjournment.

On motion of Senator Daniel, the Senate adjourned at 12:40 o'clock.

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WEDNESDAY, JANUARY 11, 1961

The Senate met according to adjournment.

**Leave of Absence**

Senator Bergeron was granted leave of absence for the remainder of the week because of important business.

**Introduction, First and Second Reading of Senate Bills**

SB 16, An act naming an interstate highway the General Frank D. Merrill Highway. (Senators Phillips, Dunlap, Cleveland, Monahan and Bunten)

To the Committee on Transportation.

SB 17, An act relative to salaries of state officials and employees. (Senator Battles)

To the Committee on Finance.

SB 18, An act providing for the election of county commissioners for the county districts of Coos County. (Senator Drake)

To the Committee on Judiciary.

SB 19, An act relative to a school of business at the University of New Hampshire. (Senator Dunlap)

To the Committee on Education.

**Committee Reports**

Senator Monahan, for the special Committee of Three appointed by the President to assign Committee rooms to the various Committees of the Senate, offered the following report, which was unanimously adopted:

**Senate Committee Room Assignments**

Agriculture — Room 121, State House

Banks & Insurance, Room 301, State House

Claims — Public Utility Com. Library, Annex

Education — Education Library, Annex

Engrossed Bills — Council Chamber

Executive Departments, Municipal & County Govt. — Room  
307 State House

Finance — Room 317, State House

Fisheries & Game — Wildlife Exhibit Room, State House

Interstate Cooperation — Office of Attorney General, State  
House

Judiciary — Room 307, State House

Labor — Room 100, State House

Liquor Laws — Wildlife Exhibit Room, State House

Military and Veterans Affairs — Senate Gallery

Public Health, Welfare and State Institutions — Room 305,  
State House

Public Works — Room 308, Annex

Resources, Recreation & Development — Room 207, State  
House

Rules — President's Office, Room 302

Transportation — State Library

Ways & Means — Room 305, State House

Senator Monahan urged the members of the Senate to check with the Clerk before scheduling hearings as in some cases two Committees are using the same room. By checking with the Clerk, conflict will be avoided.

The President made announcement of the report of the Rules Committee which had met yesterday: "At the Rules Committee meeting yesterday, we discussed the Resolution of Senator Humphreys, relative to additional chairs and tables in the cafeteria. It will be taken care of by Mr. Elwell, the Superintendent of the building, without any further action of the Senate. Also, you may have noted that the House ex-

tended the deadline for the filing of bills. It was the decision of the Rules Committee that we would not set any cut off date at the present time. However, when the deadline expires, no bill turned down by the House Rules Committee will be admitted in the Senate except through the Senate Rules Committee."

Senator Cleveland inquired: "What would be the situation if a Senator had a bill filed either by title or with Miss Alexander and someone introduced the bill through the House Rules Committee and had been turned down. Would you then refuse to introduce the bill through the Senate Rules Committee?"

The President replied in the negative and further stated that the purpose is clear. It is very embarrassing to the House Rules Committee to find someone who would treat their action as a joke and then get it introduced in here.

The President recognized Senator Phillips: "Mr. President, there is a matter that I would like to bring before the Senate. A matter that is of great concern to those in the western part of our State, in the District that I represent. Some few weeks ago, our unemployment went over the 6.6 mark. Because of that we are very concerned about filling our vacant shoe factory and our industrial park. The chief concern seems to be transportation. We have used Interstate 91, which is designed to go along the eastern part of the state of Vermont, as an incentive for industry to locate in the western part of New Hampshire."

She continued that if the road is shifted as the Regional Highway Council of Vermont desires, it will hurt the effort to bring industry to the Claremont area. She stated that the Vermont group wants to move the proposed highway west for the benefit of Vermont ski areas, but she said New Hampshire has a stake in the highway because it is being financed by federal funds and is supposed to tie in with New Hampshire Interstate system which was laid out as part of the federal defense highway network. She stated that the Governor had been alerted of this threat. Commissioner Morton has written to the Vermont Highway Commissioner saying that if Vermont would like to be relieved of the responsibility of building the superhighway No. 91 along the west shore of the Connecticut river, New Hampshire would be very happy to go to Washing-

ton and stimulate interest to have this brought over to New Hampshire. She thought the Senators from the western section of New Hampshire might be interested in what is good for New Hampshire is good for all of us. She further stated that she only wished to acquaint the members of the Senate with the problem and of the threat to New Hampshire and that she would feel remiss in her duty if she did not bring it to their attention.

Senator Monahan spoke in support.

Senator Cleveland stated that he felt the people to whose attention this threat should be brought would be Senator Cotton and Congressman Bass as it was a federal matter.

Senator Dunnington stated that the people in the eastern part of the State were also very interested in route 91. That it would bring a lot of New York traffic up into the State of New Hampshire. He stated that he felt that in the future plans of the highway will run feeder roads right across to our sea-coast region.

The President stated to Senator Dunnington, that as Chairman of the Public Works Committee the Committee might discuss this matter and see if a Resolution or informal notification would be sufficient.

Senator Lamontagne pledged the support of the Minority party in any future action.

Senator Daniel offered the following Resolution; and spoke in favor of its adoption.

*Whereas*, Edmund R. East, Superintendent of the New Hampshire State Industrial School, died last December, and

*Whereas*, Mr. East dedicated himself for eight years in the training and rehabilitation of the young men and women who came to the school through active sports and musical programs in addition to the prescribed program, and

*Whereas*, Mr. East also contributed much through books written on the subject of training and rehabilitation of the young, be it therefore

*Resolved*, That the members of the Honorable Senate express their appreciation and sympathy to Mrs. East, and be it further

*Resolved*, That the Clerk be instructed to transmit a copy of these Resolutions to Mrs. East and her family.

"I wish to comment on Edmund R. East, the former Superintendent of the New Hampshire State Industrial School in Manchester. Mr. East was a man dedicated to his work and about a year ago when I visited the Industrial School and went through the chapel there, he told me at that time 'if I only had a cross to put in front of the chapel, to teach the children there that this is a place to worship. I have made a request to the Senate Finance Committee, but that request was not granted.' I told him that I had a very good friend in Manchester and that I would see if I could procure a cross for his chapel, and I did. I brought the money over to him and the cross is now standing in the chapel, without any cost to the State of New Hampshire. This cross was to have been dedicated soon, but unfortunately, Mr. East passed away before this could be done."

On a *viva voce* vote, the above Resolution was unanimously adopted.

Senator Eaton: "Matter of personal privilege — I have been mulling over this Rules Committee meeting and the edict of today and as all of the Senators are aware, one-half hour after adjournment of the House, there is to be a Rules Committee meeting of the House. One of the Rules being considered is not to allow any legislation to come from the Senate into the House after a certain day unless sanctioned by the Rules Committee of the House. I am afraid that we must consider this seriously — it means that we will be delegating many of our powers to the House. Personally, I think this should be thought over and those opposing it should appear before this meeting of the Rules Committee. It will be usurping the power of the Senate if this change in the Rules should be adopted."

Senator McMeekin presiding.

Senator Cleveland: "I am inclined to agree with Senator Eaton. More and more over the past 10 years, the House has been gradually trying to make the Senate a junior grade of the House. I have warned previous Senates about this. It would seem to me that this Senate should give a good hard look at this idea. In this matter of daily prayers — the Senate awaits the pleasure of the House. In the past, we have wasted a good deal of time by waiting until the House was ready. I think we

could have our own Chaplain or one of the members could give the prayer in here. We end our Committee hearings and sit here and wait for the House to be ready. I offer the following Resolution:

*Resolved*, That the Rules Committee study the possibility of the Senate having separate opening ceremonies and prayers.

Seconded by Senator Eaton.

Senator Green: "I would appreciate it if the Senate would permit me to address my remarks to Senator Eaton. The matter of the Rules being discussed in the House today was a matter of conference between the Speaker of the House and myself. I told him that the Senate would not stand for the House making any rules for the guidance of the Senate. The Speaker did not expect that the Rule would be adopted. Insofar as the motion pending, Senator Cleveland spoke to me about it. I think the Rules Committee, or at least, the President, is well aware of the state of affairs. I know that we wait around for the House, but some matters in the House have to be laid out before going into session. The object of the Joint Rule is not to do away with any prayer, but we do have to wait. It is not the fault of the Governor. I think this matter should be referred to the Rules Committee.

Senator Lamontagne: "If the Rules Committee wants to — we do not have to wait. As sometimes in the past, we can start the Senate business and then when the House is ready to meet for prayer, we can recess and go in for prayer. I would be against going without prayer."

Senator Humphreys spoke on the matter in agreement with Senators Eaton and Cleveland.

On a *viva voce* vote, the Resolution was unanimously adopted.

Senator Monahan expressed his appreciation of receiving the copy of the 1961 red book.

Senator Gardner requested the Committee on Liquor Laws to meet with her immediately after adjournment in the left hand corner of the Senate Chamber.

Senator Phillips requested the Committee on Labor to meet with her in the northeast corner of the Senate Chamber after adjournment.

Senator Monahan thanked Senator Humphreys for the brochure presented yesterday relative to Strawberry Bank of Portsmouth. Stated that it was extremely interesting, and that he had read it last evening. Said he believed it was a wonderful example of what people can do at their own level. Stated that he felt it contributed a great deal to New Hampshire heritage.

Senator Battles requested the Committee on Resources, Recreation & Development to meet with him at the press table immediately following adjournment.

Senator Cleveland requested the Judiciary Committee to meet for organization purposes tomorrow morning at 10 o'clock in Room 307.

Senator Cheney reminded the members of the Finance Committee that they would start Executive hearings next Tuesday morning at 10 o'clock.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2 o'clock to be made in order at the present time.

### **Afternoon Session**

On motion of Senator Green, the Senate adjourned at 12 o'clock.

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THURSDAY, JANUARY 12, 1961

The Senate met according to adjournment.

### **Communications**

The President stated that he had received three communications, as follows:

1. A letter from the New Hampshire Association of Chiefs of Police, Inc. relative to resolution adopted at their recent meeting, relative to Governor and legislative bodies of the State of New Hampshire not giving sanction of municipal courts in cities and towns until such cities and towns can show that adequate facilities to hold court are available.

The President stated that he would refer the above communication to the Judiciary Committee.

On motion of Senator Cleveland, seconded by Senator Gardner, the Senate voted unanimously to refer the communication to the Judicial Council.

2. A letter from Andrew M. Heath, President of the New Hampshire State Employees Federal Credit Union, inviting interested members of the General Court to attend the annual meeting of the organization on Monday, January 23, at 7:30 P.M. in the auditorium of the Howard Recreation Building at the State Hospital.

3. At the request of the President, the Clerk read a communication received by the President from the Mayor of the City of Keene, relative to amendment of City Charter concerning Supervisors of the Checklist.

The President announced that the above communication from Keene would be laid upon the table.

### **Announcement by the President**

The President announced the appointment of George Heon of Derry as the President's Messenger.

Senator Monahan presiding.

### **Announcement**

The President announced that the Rules Committee of the Senate would meet with the Rules Committee of the House in the Speaker's office immediately after adjournment.

Senator Buckley requested the members of the Transportation Committee to meet with him immediately following adjournment.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2 o'clock to be in order at the present time, and when the Senate adjourns today, it be to meet next Tuesday morning at 11 o'clock.

### **Afternoon Session**

On motion of Senator Cheney, the Senate adjourned at 11:30 o'clock.



TUESDAY, JANUARY 17, 1961

The Senate met according to adjournment.

### **Congratulations**

The President extended congratulations of the Senate to Senator Holmes upon her appointment to the Defense Advisory Committee to Women in the Services, appointed by the Secretary of Defense. Senator Holmes thanked the President for his gracious gesture.

### **First & Second Reading of Senate Bills**

SB 20, relative to liability for support in certain cases. (Gardner) To the Committee on Judiciary.

SB 21, relative to contributions from cities and towns on class II highways. (Cheney) To the Committee on Public Works.

SB 22, relating to eminent domain proceedings by housing authorities. (Green) To the Committee on Executive Dept., Municipal & County Government.

SB 23, relating to the American Flag. (McMeekin) To the Committee on Military & Veterans Affairs.

### **Committee Report**

Senator Phillips, for the Committee on Judiciary:

SB 4, increasing the salary of the Hillsborough County Attorney. Ought to pass.

Senator Battles: "Mr. President, at the public hearing held on SB 4 nobody appeared in opposition to the bill. County Attorney submitted evidence that his case load had more than doubled in the last decade and in view of the fact that Hillsborough County has approximately 30% of the population in the State, the raise of \$1,200 a year appears to be extremely modest."

Senator Caron: "I feel that all the Senators from Manchester are very much in accord with the bill."

Senator McMeekin: "I know that there is one other bill coming in in regard to County Attorneys. I am in favor of this

bill, but I feel that we should not push this through until we find out how many others may be coming in. If this bill could be held up for a little while until we see how many similar bills are coming in to see if they are correct."

Senator Holmes inquired of Senator Battles if the County Attorney received fees.

Senator Battles replied: "Not to my knowledge, but he has \$1,200 for clerk hire."

The President: "It would appear to me that the Committee on Engrossed Bills would keep watch on these matters. I personally do not feel that we should hold up any bills to find out what other bills may be coming in from other Counties."

Senator Lamontagne: "The question mentioned by Senator McMeekin was received in Committee. The Committee felt that if this bill passed in the Senate, it would be sent into the House where it would be referred to the Hillsborough County Delegation. There, the County Delegation can take action on the final passage of this bill."

Senator McMeekin: "I will be willing to go along with the passage of the bill under the circumstances. However, I would like to warn the Senate about this matter. I know you cannot depend on the Engrossed Bills Committee to catch it."

The President: "I know last session, amendments had to be offered. I wish the Committee on Engrossed Bills would keep that in mind."

Senator Daniel: "I feel that the Hillsborough County Delegation is a large one and I feel sure that when they get together, they will vote on the merit or demerit of this bill. Therefore, I am in favor of passage of this bill today."

The bill was ordered to a third reading.

### Resolution

On motion of Senator Drake, the following Resolution was adopted by a unanimous rising vote:

*Whereas*, We have learned of the recent death of former Senator Blake T. Schurman of Lancaster, and

*Whereas*, Senator Schurman served his state, county, and town in many capacities and was held in high esteem by all who knew him, therefore be it

*Resolved*, That we, the members of the Honorable Senate, hereby extend our sincere sympathy to his family in its bereavement, and be it further

*Resolved*, That a copy of these resolutions be transmitted by the Clerk of the Senate to Mrs. Schurman, Mrs. Newell Paire, and Wilbur Schurman.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2 o'clock to be made in order at the present time.

### Afternoon Session

#### Third Reading and Final Passage of Senate Bill

SB 4, increasing the salary of the Hillsborough County Attorney.

Senator Lamontagne displayed to the Senate several copies of old newspapers, dated back to 1887 which had been found in the City Clerk's file in Berlin.

Senator Eaton informed the members of the Senate that there were available four types of dictating machines for the inspection of the Senate and he would move that the Senate be authorized to obtain two of these machines for a trial period of one month.

Senator Holmes: "I have thought a great deal about these dictating machines. I much prefer to dictate to an individual. If we do get them are we going to be guinea pigs? If this proves to work out well, is there a possibility it might be chosen by the State? If it works here, I think it might be something to look into.

The President stated that he had no knowledge of the extension to any department of the State House.

On a *viva voce* vote, the motion of Senator Eaton above was unanimously adopted.

On motion of Senator Lamontagne, the Senate adjourned at 12 noon.

WEDNESDAY, JANUARY 18, 1961

The Senate met according to adjournment.

### Guest

As the guest of Senator Monahan, Mr. Howard L. Weinberg, student in Government at Dartmouth College.

### House Message

Mr. President:

The House of Representatives has passed the following Concurrent Resolution, in the passage of which it asks the concurrence of the Honorable Senate:

*Whereas* July 2, 1962, marks the centennial of legislation providing for the establishment of the national system of land-grant colleges and state universities; and

*Whereas* the State of New Hampshire has been the beneficiary of the extensive services of its land-grant institution, the University of New Hampshire; and

*Whereas* there has been established national recognition of the celebration of the Centennial of this historic Act by the United States Congress;

*Now therefore be it resolved*, That the New Hampshire General Court join in statewide observance of the 100th anniversary of the signing of the Land-Grant Act by President Abraham Lincoln.

On a *viva voce* vote, the above Concurrent Resolution was unanimously adopted.

### Committee Report

Senator Sawyer, for the Committee on Executive Dept. Municipal & County Government:

SB 5, relative to state and town bridge aid. Ought to pass.

Senator Sawyer: "A hearing was held on the bill and several Representatives of towns were there. The bill seemed reasonable and the Committee voted to return the report with ought to pass."

Senator Holmes: "Just what does it do? What change does it make?"

Senator Buckley: "The bill is simply a bill to conform to what they already do on A and B highways; full amount of apportionment to be paid before the work is started. Simply conforms to what is already being done on other highways."

The bill was ordered to a third reading.

The President declared a short recess.

(Recess)

The Senate reassembled.

On motion of Senators Battles and Caron, the following Concurrent Resolution was unanimously adopted:

*Whereas*, John F. Kennedy has faithfully discharged his duties as a United States Congressman and United States Senator from the Commonwealth of Massachusetts, and

*Whereas*, Mr. Kennedy has faithfully and honorably served his country as a member of the Armed Forces, and

*Whereas*, He has been duly elected President of these United States, therefore be it

*Resolved*, The Senate and House of Representatives concurring, that we, the members of the New Hampshire General Court, wish President Kennedy the best of health, happiness and success in the coming years, and be it

*Further Resolved*, That the Secretary of State be instructed to transmit a copy of this Resolution to President John F. Kennedy.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order this afternoon at 2 o'clock to be made in order at the present time.

### Afternoon Session

### Third Reading and Final Passage of Senate Bill

SB 5, An act relative to state and town bridge aid.

Senator English offered congratulations to the President for the Senate having passed the first bill of this session of the General Court.

The President: "I stated the first day of the session — less talk and more work — and that bills would be taken up and passed just as soon as possible. I would ask the Committee Chairmen to get the hearings set on bills as soon as possible."

### Announcement

The President announced that he had asked Senator Holmes to serve as acting President of the Senate tomorrow. The Governor is leaving the State early in the morning and therefore the President, in accordance with the Constitution, cannot attend the session of the Senate.

The President recognized Senator McMeekin for remarks: "In line with your talk on bills coming in, I would like to call attention to the fact of the constitutional amendment which limits the session to July 1st, or 90 working days. I think if we get pressed for time, we should begin to start working an extra day. Vermont now has a Monday night session, which I think we might be able to fit in. I think we ought to keep this in mind. There are these possibilities."

Senator Lamontagne stated he agreed with Senator McMeekin.

The President: "One way in which we can get a job done — and that is to work at it. I think if every Committee Chairman will make it a point to set their bills up for hearing immediately and keep their docket clear, we will be ahead of the game. Senator English and I have a little contest on. I would like to stick Senator English with the cost of the dinner. I would ask each Chairman to set their bills up for hearing promptly and then we can get our job done."

### House Message

Mr. President:

The House of Representatives has voted to concur with the Honorable Senate in the passage of the following Concurrent Resolution, sent down from the Honorable Senate:

*Whereas*, John F. Kennedy has faithfully discharged his duties as a United States Congressman and United States Senator from the Commonwealth of Massachusetts, and

*Whereas*, Mr. Kennedy has faithfully and honorably served his country as a member of the Armed Forces, and

*Whereas*, He has been duly elected President of these United States, therefore be it

*Resolved*, The senate and House of Representatives concurring, that we, the members of the New Hampshire General Court, wish President Kennedy the best of health, happiness and success in the coming years, and be it

*Further Resolved*, That the Secretary of State be instructed to transmit a copy of this Resolution to President John F. Kennedy.

On motion of Senator Gardner, the Senate adjourned at 11:35 A.M.

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THURSDAY, JANUARY 19, 1961

The Senate met according to adjournment.

Senator Holmes, District No. 12, presiding.

### **Leave of Absence**

Senator English was granted leave of absence for the day on account of important business.

### **Guests**

As guests of Senator Lamontagne, Messrs. Louis Delorge, Lucien Pouliot and Rene Dumas, all of Berlin, who were on their way to the Inaugural in Washington, D. C.

As the guest of Senator Bergeron, Mr. Victor Cardosi of Rochester.

### **First & Second Reading of Senate Bill**

SB 24, reclassifying certain highways in Rollinsford. (Dunnington) To the Committee on Public Works.

### Committee Report

Senator Sawyer, for the Committee on Executive Dept., Municipal & County Government:

SB 2, relating to incompatible town offices. Ought to pass with amendment.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1 Incompatibility of Offices. Amend RSA 41 by inserting after section 4 the following new section: 41:4-a Moderator. No person shall at the same time hold the offices of moderator and selectman.

Senator Humphreys in explanation: "Madam President, this bill as originally written did not provide what the sponsor intended in the first place and at the hearing, quite logically, there was opposition to the bill as written which included the word 'clerk' and made the clerks in towns included with the other offices. Several appeared and pointed that out. The intent was with reference to the office of moderator and selectman. The Committee amended it by the simple sentence, no person shall at the same time hold the offices of moderator and selectman."

Senator McMeekin inquired of Senator Humphreys: "I think it is clear enough what the bill intends to do, but what is the purpose accomplishing that end?"

Senator Humphreys: "The sponsor's viewpoint was this — by law, towns are entitled to nine election officials. When you have a Moderator also a Selectman, your town or your ward, has only eight election officials instead of the nine to which they are entitled. Actually, it was pointed out to me that some of the duties of Moderator are included with selectman. One thing, the selectman is supposed to present the budget and presumably is in favor of the budget. As Moderator, he has a great deal of power at town meetings and it would be much better all round if the Moderator was not also the selectman. In many towns, the chairman of the selectmen is quite a powerful figure 364 days of the year, and it would be well on the 365th day, it would be better for the Moderator to run the meeting instead of him."



Senator Monahan: "I would oppose the original bill, but have no objection to the amended bill — believe it serves the purpose."

Senator Drake inquired as to the effect on Moderator of school meetings.

Senator Humphreys: "I would say that this has no reference to a school district meeting. The law that this amends is Chapter 41:4. If there is any question about it, I certainly would have no objection to amending the bill further from the floor."

Senator Lamontagne moved that the bill with the proposed amendment be laid upon the table.

Senator Humphreys stated that he had no particular objection to laying it on the table, but that he did think if the Senate were to start that sort of thing on a simple bill like this, we would be here again in September like last session. Stated that he felt this was certainly a simple bill and nothing to be understood about it. Stated that on that basis, he would oppose laying it on the table.

Senator Lamontagne spoke about the City Charter in Berlin and stated that he wished to be sure of this matter, and wished to be sure that it was not going to conflict with the City Charter there.

Senator Humphreys stated that there was nothing in the bill to do that. Stated that this bill has to go to the House where all the towns are represented by Representatives. Stated that there had been no opposition at the Committee meeting on this bill as amended. Further stated that if there is opposition, it can be taken care of in the House.

Senator Dunlap: "The election law provides that you have a certain number of people at the polls and it is very obvious that if you have one serving in two capacities, you have less than the number permitted. In cases where this might occur, a Moderator could nominate an assistant Moderator. I can see no confusion on this matter. There are a number of different kinds of Moderators — school moderators, church moderators, etc. As I read the bill, it provides for nine election offices, which the towns are permitted to have."

Senator Humphreys: "Upon further study of the statutes, I see that this refers only to duties of town officers."

Senator Lamontagne withdrew his motion to lay the matter on the table.

Question now being on adoption of the amendment offered by the Committee.

The amendment was adopted, and the bill as amended was ordered to a third reading.

### Resolution

Senator Battles offered the following Concurrent Resolution:

Ratifying a proposed amendment to the Constitution  
of the United States of America.

*Whereas*, both houses of the eighty-sixth Congress of the United States of America, by a constitutional majority of two-thirds thereof, have made the following proposition to amend the Constitution of the United States of America, in the following words, to wit:

### *“Joint Resolution*

“Proposing an amendment to the Constitution of the United States granting representation in the electoral college to the District of Columbia.

“*Resolved* by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

### *“Article ———*

“Section 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

“A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State;

they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

"Section 2. The Congress shall have power to enforce this article by appropriate legislation."

*Therefore, be it resolved* by the House of Representatives of the State of New Hampshire, the Senate concurring: That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby ratified by the legislature of the State of New Hampshire.

That certified copies of this preamble and concurrent resolution be forwarded by His Excellency the Governor to the Secretary of State at Washington, to the presiding officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

Senator Battles explained the above Concurrent Resolution: "This Concurrent Resolution is self explanatory. What it does — it gives the permanent residents of the District of Columbia the right to vote. It does not change the temporary residents. The federal constitution provides that two-thirds of the State Legislatures in the United States must ratify the amendment that the 86th Congress proposed, and that is what we are doing today."

Senator Dunlap inquired if this would be referred to Committee for hearing.

The Chair: "I have taken this matter up with the President of the Senate. He has said that his ruling would be that this would not normally go to a Committee, and therefore, I would hope that you would sustain his ruling."

Senator Dunlap: "I would move that this be referred to Committee. I have no objection to the Resolution, but I think that should be done unless there is something urgent about its being acted on now. It is my understanding that the Governor would have to act on this and then communicate with the Secretary of State of the United States, so unless there is something urgent, I would move that it be referred to Committee."

Senator Gardner seconded the motion of Senator Dunlap to refer the Resolution to Committee.

Senator Battles: "This Concurrent Resolution does not require the signature of the Governor and therefore it can go directly. It is simply a matter of form. I have talked with Miss Alexander on this and she tells me that Concurrent Resolutions and simple Resolutions do not require the signature of the Governor. I don't suppose there is any real emergency along these lines. I think all the Republican members of the Senate have had communication with Senator Thruston B. Morton, asking for immediate action along these lines. I think it would be nice for the State of New Hampshire to be one of the first to ratify this. I oppose the motion to refer to Committee.

Senator Monahan: "I think this is a very serious matter. I support the motion pending for the matter to be referred to Committee."

Senator McMeekin: "There are some points that I am not clear on and I think if it were to be referred to Committee, this would be done and it will not delay the matter so that New Hampshire will not be one of the first. As I understand it, this will apply only to election of President and Vice President and no other officials. I think reference to Committee would perhaps clear up this matter. I am in favor of referral to Committee."

Senator Battles: "We can refer it to a Committee but nothing can be done there. The United States Congress has passed this article. We must decide whether we want to do it or not. This does not apply to non-residents as Senator McMeekin spoke about. I can see no useful purpose in sending this to Committee."

Senator McMeekin: "My point is that a little further information might affect my thinking."

Senator Dunlap: "In the first place, you wonder whether this is a simple Resolution; if we are going to vote to ratify the action of the United States Congress, which I understand we are being asked to do. Just for the purpose of reviewing of the Resolution, it would be useful to have it go to Committee. I repeat, if there is something urgent about this and two or three days are going to affect this matter directly, then I am willing to hear that discussion."

Question being on the motion to refer the above Concurrent Resolution to Committee.

On a *viva voce* vote, the affirmative prevailed, and the above was referred to the Committee on Judiciary.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for 2 o'clock this afternoon to be made in order at the present time, and when the Senate adjourns today, it be to meet next Tuesday at 11 o'clock.

### Afternoon Session

Senator Humphreys: "Parliamentary inquiry. With reference to this matter just passed, will it require the Committee to hold public hearing?"

The Chair replied: "Yes, according to Senate Rule 19, which says any matter referred to Committee shall have hearings held on same."

Senator Humphreys: "But the Committee can suspend the rules to take action and report back without public hearings?"

Senator Dunlap: "I would support the motion so long as the Committee is empowered to decide whether or no they need a public hearing."

The Chair stated that a two-thirds vote would be required.

The Chair requested a rising vote, which showed the required two-thirds vote.

### Third Reading and Final Passage of Senate Bill

SB 2, relating to incompatible town offices.

The Chair recognized Senator Daniel: "Mr. President, it is a real pleasure for me to present to this Honorable Body, the beautiful fountain pens as the gift of Mr. J. Fred French, the President of the Amoskeag Savings Bank of Manchester, with no strings attached, just a token of good will."

Senator Lamontagne extended congratulations of the Senate to Senator Holmes in honor of her being the first lady to preside over the Senate for an entire session.

On motion of Senator Sawyer, the Senate adjourned at 11:52 A.M.

TUESDAY, JANUARY 24, 1961

The Senate met according to adjournment.

### Guests

As the guests of Senator Lamontagne, Mr. Elton O. Feeney, Town Manager of Exeter, and Mrs. Elton O. Feeney nee Margaret M. Fraser, former teacher of Senator Lamontagne at Berlin Senior High School.

As the guest of the President and Senator Daniel, Alderman J. G. DeGrace of Manchester, former Member of the House.

The President recognized Senator English for the following remarks: "I know my fellow Senators will appreciate my calling their attention to the distinction which has come to one of the towns which I represent. The Town of Harrisville has received a citation from the American Scenic and Historic Preservation Society meeting in New York City. The citation states, to pick out just a sentence, 'It is a museum in itself and a painter's paradise.' John J. Colony, Jr., head of Cheshire Mills, was also singled out for special praise for the part that he has played in making Harrisville an attraction for those who appreciate charm. Incidentally his daughter, Izola, at the same time was picked as a DAR Good Citizen for Keene High School."

The President requested Senator English to convey to the town of Harrisville congratulations and best wishes from the Senate.

### First & Second Reading of Senate Bills

SB 25, relative to fees for fish and game licenses, and eliminating the so-called license stamps. (Cheney) To Fisheries & Game.

SB 26, in relation to automobile liability insurance. (Dunlap) To Banks & Insurance.

SB 27, relating to the salary of the mayor of the city of Nashua. (Paquette) To Judiciary.

SB 28, relating to bonds for housing projects and redevelopment projects. (Humphreys, Daniel & Cheney) To Executive Dept., Municipal & County Government.

### Committee Report

Senator Bergeron, for the Committee on Banks & Insurance:

SB 15, in relation to Hillsboro Guaranty Savings Bank. Ought to pass.

Senator Dunlap: "Mr. President, the Banking Committee had a public hearing on this bill and recommends that it ought to pass. This bill would permit the Hillsboro Guaranty Savings Bank, a corporation originally chartered by Chapter 237, Laws of 1889, to relinquish its powers under the original act and to instead take as its control the provisions of RSA chapter 294. Approximately two years ago, one of the principal owners of the bank, for personal reasons, decided that it would be in the best interests of the institution and the community it served to have an orderly transfer of ownership, title and control. The principal owners of the Hillsboro National Bank and the Guaranty Savings Bank of Hillsboro recently decided to sell the institution, the national commercial banking department to outside interests. The new owners have received complete permission from the Comptroller of Currency and the Bank Commissioner of the State of New Hampshire insofar as his interest enters the picture to liquidate and to have a savings department within the national bank. The reason that the owners of the certificates of deposit, which in effect are the stockholders of the old Guaranty Trust corporation, pray that this bill be passed is so that they can in orderly manner within a reasonable length of time liquidate their interest. All deposits have been fully provided for; their cash deposits have been transferred to them and with very few exceptions, these depositors have availed themselves of the privilege of putting their money into the Hillsboro Guaranty Bank, in the savings department. This twenty some odd owners of certificates of deposits have some \$300,000. If the owners of this bank were to liquidate immediately and quickly, the taxes would be confiscatory. Therefore, the Senate Banking Committee recommends to the Senate that this bill ought to pass in accommodation to the area affected and also to the owners of the Hillsboro Guaranty Savings Bank."

Senator Battles inquired if there was anyone in opposition to this bill.



Senator Dunlap replied: "There was no opposition. A representative of the Savings Bank Association of New Hampshire, which is mindful constantly of all banking procedures, appeared. Sufficient inquiries were made by this representative to dispel any fears that they might have that this act might constitute a low type of banking. It was brought out that this bill having passed, the new institution, having taken its power from the so-called banks corporation statute, would not be prohibited from engaging in any function that they might choose to have, such as the purchase of stocks in other banks, although the Committee understands fully that this is not the intent of the new owners. It is their intent to liquidate over a period of time."

The Bill was ordered to a third reading.

On motion of Senator Lamontagne, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2 o'clock to be made in order at the present time.

### Afternoon Session

#### Third Reading & Final Passage of Senate Bill

SB 15, in relation to Hillsboro Guaranty Savings Bank.

The President recognized Senator Lamontagne: "I would like to pay compliment to the New Hampshire float which was in the Inaugural Parade in Washington last Friday. I was very proud to be from New Hampshire and to see our State so well represented there. I was deeply impressed by the beautiful colors of our New Hampshire float; just to see it there in Washington among the floats from the other states made me feel very good. Also, I was happy to see the drivers from New Hampshire getting along all right in the heavy snow, while people from some of the other states were getting bogged down — which just goes to prove that up here we get used to the snow and therefore become better drivers in the storms than those not so familiar with it."

The President complimented Senator Holmes for the excellent manner in which she presided at the Thursday session of the Senate.

On motion of Senator Cleveland, the Senate adjourned at 11:30 A.M.



WEDNESDAY, JANUARY 25, 1961

The Senate met according to adjournment.

### Guest

As the guest of Senator English, Mrs. James Kane of Hancock.

### House Message

Mr. President:

The House of Representatives has passed the following Concurrent Resolution, in the passage of which it asks the concurrence of the Honorable Senate:

### Concurrent Resolution

inviting Eldon L. Johnson, President of the State University, to address the Legislature.

*Whereas*, the State of New Hampshire has been the beneficiary of extensive services of the land-grant institution, the University of New Hampshire, and

*Whereas*, the House recently passed a Concurrent Resolution that the New Hampshire General Court join in statewide observance of the 100th anniversary of the signing of the Land-Grant Act by President Abraham Lincoln, therefore be it

*Resolved* by the House of Representatives, the Senate concurring, that Eldon L. Johnson, President of the University of New Hampshire, be invited to address the House and Senate in Joint Convention on Tuesday, February 14, 1961.

On a *viva voce* vote, the above Concurrent Resolution was unanimously adopted.

The Message further stated that the House of Representatives has passed the following entitled bill and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HB 11, relative to names of business corporations.

HJR 6, Joint resolution for an appropriation for carrying out provisions relative to regional agreements for educational facilities for New Hampshire residents.

### Read and Referred

To the Committee on Judiciary:

HB 11, relative to names of business corporations.

To the Committee on Finance:

HJR 6, Joint resolution for an appropriation for carrying out provisions relative to regional agreements for educational facilities for New Hampshire residents.

The President recognized Senator Cleveland: "Mr. President, in connection with HJR 6 above, I would like to inquire if this \$100,000 which I understand it makes available for medical education at the University of Vermont for New Hampshire students, is going to come out of this so-called surplus?"

The President replied in the affirmative.

Senator Cleveland: "Mr. President, the reason I want to make this point is, in reading the newspapers, it would seem to me that this surplus is being committed in several different directions and to several different groups and I don't want to see a situation arise where we have used up the surplus but some unfulfilled commitments linger on. I suggest that the Senate Counsel, or the Chairman of the Finance Committee, keep a book on these money bills that are going to be a charge against this surplus so that we know just where we stand when we are considering them."

The President stated that this suggested appropriation was one that was listed in the Governor's Message as a legislative special as well as the raise for the State employees.

### First & Second Reading of Senate Bills

SB 29, relating to authority of the fish and game director to control porcupines in remote areas. (Monahan) To the Committee on Fisheries & Game.

SB 30, relative to qualifications for the serving of liquor or beverages. (Eaton) To the Committee on Ways & Means.

### Announcement

The President announced: "At least for the present, I have asked the Clerk to withhold Committee Reports on Wed-

nesdays, in order that the Committees can do a full day's work, when necessary, on that day."

Senator Holmes inquired: "Is it my understanding that you do not want Committee Reports on Wednesday? You wish to have them either on Tuesday or Thursday?"

The President replied in the affirmative, and added, at least for the present.

On motion of Senator Drake, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2 o'clock to be made in order at the present time.

### Afternoon Session

On motion of Senator Phillips, the Senate adjourned at 11:25 A.M.

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THURSDAY, JANUARY 26, 1961

The Senate met according to adjournment.

### Guests

Guest of Senator Battles, Mr. Elmer Salsman of Atkinson.

Guests of Senator Caron, Mr. Donald T. Buck, grandson of the Senate sergeant-at-arms, now completing his Masters Degree at the University of New Hampshire, and Mr. Victor Weeraratne of Ceylon, completing his Doctor's program at the University of New Hampshire.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 12, relative to regulations for use of limited access highways.

HB 13, relative to classification of turnpikes and interstate highways.

HB 18, relating to reports of the commissioner of public works and highways.

HB 25, relative to expenditure of revenue from turnpikes.

HB 26, relative to auxiliary service roads and their classification.

### **First & Second Reading of House Bills**

#### **To Judiciary:**

HB 12, relative to regulations for use of limited access highways.

#### **To Public Works:**

HB 13, relative to classification of turnpikes and interstate highways.

HB 18, relating to reports of the commissioner of public works and highways.

#### **To Ways & Means:**

HB 25, relative to expenditure of revenue from turnpikes.

#### **To Public Works:**

HB 26, relative to auxiliary service roads and their classification.

### **Introduction, First & Second Reading of Senate Bill**

SB 31, to provide aid to local school districts. (Holmes)  
To the Joint Committees of Education and Finance.

### **Committee Reports**

Senator Phillips, for the Committee on Judiciary:

SB 20, relative to liability for support in certain cases.  
Ought to pass.

The President recognized Senator Cleveland: "Mr. President, this bill was introduced by Senator Gardner and was a bill supported by the Department of Public Welfare. What this bill does is to make grandparents responsible, where there

is a showing that they are capable of doing so, makes them responsible for the support of the illegitimate child of the minor child of these grandparents. There was no opposition and the Committee was unanimous in favor of its passage."

Senator Holmes inquired if this bill would make grandparents on both sides responsible.

Senator Cleveland replied that the grandparents on both sides are not always known, but the reading of the bill is such that it can be interpreted so.

The bill was ordered to a third reading.

Senator Phillips, for Judiciary:

Concurrent Resolution ratifying a proposed amendment to the Constitution of the United States of America. Ought to pass.

The President recognized Senator Cleveland: "Mr. President, at the public hearing on this Concurrent Resolution, the legislative counsel for the administration appeared in favor. There was no opposition. All the Senators know what this Concurrent Resolution does — it has been given wide newspaper circulation in support. I don't believe further discussion is necessary."

On a *viva voce* vote, the above Concurrent Resolution was unanimously adopted.

Senator Sawyer, for Executive Dept., Municipal & County Government:

SB 10, relative to penalty for intimidation of state officials and employees. Inexpedient to legislate.

Senator McMeekin moved that the above entitled bill with the accompanying Committee Report be made a Special Order of Business for next Tuesday morning at 11:01 and spoke in favor of the motion: "I would like to explain the reasons that I am asking for this motion to be passed is that I believe there should be some amendments made to the bill. The bill was drawn in the Attorney General's office, and I admit that I did not check it too carefully. I find upon checking with other members of the Senate that there should be amendments made to it. I would also like to explain the reasons for the bill itself. It merely adds to the consistency in the laws. I would

call the attention of the Senate to the present law in regard to bribery and intimidation. (reads two excerpts from the present law with reference to bribery and intimidation). I will again state that the purpose of this bill was to make the law consistent."

(Discussion ensued)

Senator Cleveland inquired of Senator McMeekin: "As I read this bill, I am wondering if this bill would cover the situation where you as a Senator, or me, who was approached by some constituent shaking their finger, etc. — would this cover that type of thing?"

Senator McMeekin: "I asked the Attorney General some time ago (Gordon Tiffany, at that time) that question. He said of course anybody can work for or against you at the polls and anybody would be entitled to vote the way he wished. In order to enforce any law, you must have a case. The case goes to the court and the court determines the point."

Senator Cleveland: "In view of the fact that amendments are going to be taken up over the week end, I hope that consideration will be given to those interested to give their views."

Senator Battles: "I am not in opposition to this motion, but would caution the Senate, if we are going to start in making Special Orders this early in the session. Let the Committees come in with their reports. That will speed up this session. I would hope that in the future, we will have as few Special Orders as possible."

Senator Holmes: "I am in favor of the motion for Special Order. I am in sympathy with the bill and realize that sometimes in the drafting of bills, it is very difficult. I think it is early enough in the session to make this a Special Order, but I am also in agreement with Senator Battles that we will not have too many. I think Senator McMeekin deserves such consideration and courtesy."

The President spoke in favor of giving this Senator this courtesy, but stated that he felt as time goes on, amendments should be made in Committee.

Senator Humphreys: "As Chairman of the Committee that acted on this bill, I would have no objections to the Special

Order. I think there is no question the entire Committee felt it was too broad and perhaps not detailed enough and might cover cases that we would not want to cover. I would point out to the sponsor of the bill that the word 'threats' in the bill is something that bothered the Committee. As the law stands now, there is no provision of law that says that anybody is subject to a fine if he threatens a voter."

Senator Lamontagne moved the previous question. Seconded by Senator Caron.

On a *viva voce* vote, the affirmative prevailed.

Question being on motion of Senator McMeekin that the above entitled bill with the accompanying Committee Report be made a Special Order of Business for next Tuesday morning at 11:01?

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

Senator Sawyer, for Executive Dept., Municipal & County Government:

SB 22, relating to eminent domain proceedings by authorities. Ought to pass.

Senator Humphreys: "Mr. President, as it stands now, when there is an urban housing project and authority for taking property by eminent domain — they make every effort to come to an agreement as to what the settlement will be. In those cases where the housing authority cannot come to any agreement and possession is not given up voluntarily, the authority is now required to go to court and get a court order which will give the authority to take possession, but not the title. The question then remains as to what amount they are going to pay for the property. They wish to sell the property, but they cannot do it because they do not have the title. Prospect purchasers cannot get bank loans on property to which they do not have title. This bill would give them the title as well as the possession. If this bill goes through, the title to the property would pass to the housing authority along with the possession of the property. The only thing left to be decided by the court will be the amount of money to be paid for the property."

The bill was ordered to a third reading.

### House Message

Mr. President:

The House of Representatives has passed the following Concurrent Resolution, in the passage of which it asks the concurrence of the Honorable Senate:

Commemorating the one hundred fiftieth anniversary of the birth of Horace Greeley.

*Whereas*, February 3, 1961 will be the one hundred fiftieth anniversary of the birth of Horace Greeley; and

*Whereas*, in 1911 the General Court voted to mark his birthplace in the town of Amherst by placing there a New Hampshire boulder suitably inscribed; and

*Whereas*, the United States Post Office Department will, on February 3rd next, issue a Horace Greeley stamp in the Famous American series; and

*Whereas*, this distinguished New Hampshire man was an outstanding leader in the journalistic and political progress of the nineteenth century; now therefore be it

*Resolved*, by the House of Representatives of the State of New Hampshire, the Senate concurring, that the General Court of New Hampshire proudly takes cognizance of the one hundred fiftieth anniversary of the birth of this famous native son; and be it further

*Resolved*, That copies of this resolution be distributed to the schools of this state by the New Hampshire Department of Education.

On motion of Senator Holmes, the Senate voted to concur in the adoption of the above Concurrent Resolution.

The Message further stated that the House of Representatives has passed the following joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HJR 11, Joint Resolution providing for a study of salaries for unclassified positions in state service.

### First & Second Reading of House Joint Resolution

HJR 11, Joint Resolution providing for a study of salaries for unclassified position in state service. To the Committee on Finance.



On motion of Senator Cheney, the rules of the Senate were so far suspended as to dispense with referral to Committee of the above Joint Resolution and same was placed on its third reading and final passage at the present time.

### **Third Reading and Final Passage of Joint Resolution**

HJR 11, Joint Resolution providing for a study of salaries for unclassified positions in state service.

Pursuant to the above Joint Resolution, the President named as members on the part of the Senate, Senators Battles and Caron.

### **Resolution**

On motion of Senator Humphreys, the following Resolution was unanimously adopted:

*Resolved*, that the Joint Rules of the Senate and House be suspended so as to permit and approve the introduction of bills, joint resolutions, claims or petitions by a member of the Senate, up to and including the second day of March, 1961, without having the Committee on Rules pass upon that.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2 o'clock to be made in order at the present time, and when the Senate adjourns today, it be to meet next Tuesday morning at 11 o'clock.

### **Afternoon Session**

#### **Third Reading and Final Passage of Senate Bills**

SB 20, relative to liability for support in certain cases.

SB 22, relating to eminent domain proceedings by authorities.

On motion of Senator Eaton, the Senate adjourned at 11:35 A.M.

TUESDAY, JANUARY 31, 1961

The Senate met according to adjournment.

### Guest

As the guest of Senator Dunnington, Mrs. Elsie M. Brown of Durham, the Assistant Chairman of the Republican State Committee.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 5, relative to reports of inquests by medical referees.

HB 35, relative to damage to domestic livestock by hunters.

HB 39, providing for forfeiture of fish or wild animals illegally imported into this state.

HB 42, relative to property holding by the Nashua Protestant Home for Aged Women.

HB 44, relative to forfeiture of fish and game not legally possessed.

HB 59, relating to Amoskeag Savings Bank.

### Read and Referred

To Public Health, Welfare & State Institutions:

HB 5, relative to reports of inquests by medical referees.

To Judiciary:

HB 35, relative to damage to domestic livestock by hunters.

To Fisheries & Game:

HB 39, providing for forfeiture of fish or wild animals illegally imported into this state.

**To Judiciary:**

HB 42, relative to property holding by the Nashua Protestant Home for Aged Women.

**To Fisheries & Game:**

HB 44, relative to forfeiture of fish and game not legally possessed.

**To Banks & Insurance:**

HB 59, relating to Amoskeag Savings Bank.

**Introduction, First & Second Reading of Senate Bills**

SB 32, relative to assistance to needy blind. (Gardner) To Public Health, Welfare & State Institutions.

SB 33, relating to fraternal benefit societies. (Provost) To Banks & Insurance.

SB 34, establishing the Emergency Interim Succession Act. (Lamontagne) To Judiciary.

**Announcement**

The President: "As time goes on, bills may be sent to Committees, the Chairman of which may be surprised that his Committee will receive such bills. I am going to try to equalize the work so Committees who do not have too many bills, will receive bills."

**Committee Reports**

Senator Monahan, for the Committee on Education:

SB 7, relative to educational assistance to the blind. Ought to pass.

The President recognized Senator Monahan:

Mr. President: This is an administration bill sponsored by the Senator from the Sixth District, who is also a member of the State Board of Public Welfare. It was explained to the Education Committee a week ago today by Commissioner Barry.

This bill simply deletes the requirement that allocations from the annual appropriation of \$50,000 for aiding blind children must be approved by the Governor and Council. The Governor has recently indicated his willingness to leave the final determination of this allocation to the Board of Public Welfare.

It should interest the Senate to know that sixteen New Hampshire children are now benefitting directly from this program, most of them enrolled at the Perkins Institute while they learn the Braille system of reading and writing. Once that is accomplished, these youngsters are integrated in our public school system with encouraging results.

About one hundred of our school-age youngsters have impaired vision, but are benefitted through this program by special tutoring and visual aids, plus a ready acceptance within our school system.

The Commissioner assured your Education Committee that the current \$50,000 annual appropriation is adequate to meet his needs — and our moral obligation for these unfortunate youngsters. It should be added that parents are expected to provide personal financial assistance — and do.

There was no opposition at the hearing. Your Education Committee voted unanimously that this bill deserved an “ought to pass” report — and I so move.

The bill was ordered to a third reading.

Senator Monahan, for the Committee on Education:

SB 8, relative to the Nesmith Trust Fund. Ought to pass.

Senator Holmes: “This is a companion bill to the one just passed. The Nesmith Trust Fund is a fund which was left to the State of New Hampshire for the aid, support, maintenance and education of the indigent blind in the State. It provides \$3,700 per year. This fund has been used for case services and occupational tools for blind adults undergoing retraining for jobs in industry, as well as for the establishment of blind vending stands, the most notable of which is in the basement of the State House, and to teach blind individuals how to display and sell merchandise so they may eventually operate their own business enterprises. Previously, the Board of Public Welfare planned the allocations of funds and their plans were approved

by the Governor and Council. This bill puts the entire matter in the hands of the Board of Public Welfare, so it will no longer be necessary to have the disposal of funds approved by the Governor and Council. The present administration approves of the change and previous administrations have indicated it would be a desirable change. No one appeared in opposition to the bill. The Committee favors its passage."

The bill was ordered to a third reading.

Senator Holmes, for the Committee on Transportation:

SB 16, naming an interstate highway the General Frank D. Merrill Highway. Ought to pass.

Senator Buckley: "We had our regular meeting on this bill. There was no opposition and all were in favor of it. Therefore, the Committee reports it as ought to pass."

Senator Monahan: "This is a very important highway; a 60 mile section of the Interstate Route 89, from Bow to Lebanon on the Vermont line. 20 miles of this has been completed. The time is here when it should be given a formal name. The road passes through five Senatorial Districts. All Senators were in favor of this tribute to General Merrill, not only because of his wonderful war record, but also because of the fact that he had served as Commissioner of Public Works & Highways from August, 1949 to December, 1955 when he died suddenly in line of state business. It is also appropriate, because it ties in with the Frederic E. Everett turnpike; therefore, the names of our first two Highway Commissioners will be perpetuated on connected highways through a major part of the State. No opposition at the hearing."

The bill was ordered to a third reading.

Senator McMeekin, for the Committee on Military & Veterans Affairs:

SB 23, relating to the American flag. Ought to pass.

Senator McMeekin: "This bill was introduced at the request of the American Legion. The department Adjutant of the American Legion and the Commander of the Veterans of Foreign Wars appeared before the Committee. Also, Senator Lamontagne, representing the Disabled American Veterans.

All were in favor of the passage of the bill. It allows a faded or tattered flag to be removed without replacing it with a new one."

The bill was ordered to a third reading.

Senator Buckley, for the Committee on Public Works:

SB 6, relative to performance bonds on federal aid highway projects. Ought to pass.

Senator Dunnington: "In our public hearing, it was brought out quite clearly that in the New Hampshire statutes it insists that all road bonds be handled only by a resident of the State of New Hampshire. At the same time, in the federal regulations, there is a ruling stating that this is not allowed where federal funds are to be used. Over the past years, we have had several difficulties with federal funds, in which our Washington delegation, Senator Bridges and others, have managed to smooth them over, but as of March 1960, we were issued an ultimatum by the federal government, stating if we did not change that at once, all federal funds for New Hampshire highways would be cut off. Our Attorney General went to Washington and it was agreed upon that we would pass this by February 15th. It is a simple question of federal funds or no federal funds."

The bill was ordered to a third reading.

Senator Buckley, for the Committee on Public Works:

SB 9, relative to duties of the state historical commission as to erection of historic signs. Ought to pass.

Senator Dunnington: "I would like to point out that all the maintenance and erection of historic signs will still be left in the hands of the Highway Department. When this bill was introduced in 1955 by Senator Holmes, there was no historical commission at that time so a committee was set up of several individuals who would advise the Highway Department as to what spots should be marked and the wording to be used on the signs. This committee was made up of so many busy people that it was difficult to function. In 1959 the Legislature did pass the bill and provide for a state historical commission which has the authority and the duty to handle such matters. The Highway Department favors this legislation."

Senator Holmes: "I have been very much interested in this bill and in this program. Bearing out the words of Senator Dunnington, when the bill was originally passed we tried to 'make do' with what we had. We have a sign department in the Highway Department and many department heads were interested in this matter, and they became the board of approval. I would have sponsored this bill, except, there was one point on which I had very special reservations; I felt that it was very important that people be concerned with the wording of these signs to see that they are historically correct. Now the bill requires the commission to call upon people who will know how to do this. If the commission is given the authority over this program I wish them success."

The bill was ordered to a third reading.

Senator Buckley, for the Committee on Public Works:

SB 12, relative to the classification of a highway in the city of Lebanon. Ought to pass.

Senator Monahan: "This bill refers to a major bridge across the Connecticut River from West Lebanon to White River Junction, Vermont; from central New Hampshire to central Vermont on New Hampshire Route 4. It has very heavy traffic — fifth heaviest traffic of any bridge in New Hampshire. Of the 31 bridges that cross the Connecticut, this is one of the few not maintained by the Highway Department. This bridge is maintained by the city of Lebanon. The provisions in this bill require the city of Lebanon to place the bridge in good repair (about \$18,000 involved) and after that it becomes the responsibility of the State Department as is true of most of the bridges across the Connecticut. When the State takes over the maintenance of this bridge, and Commissioner Morton is agreeable to this proposal, it will not be a worn out decrepit bridge — it will be in good condition and only routine maintenance is anticipated."

The bill was ordered to a third reading.

### **Engrossed Bills**

Senator Phillips, for the Committee on Engrossed Bills, have examined and found correctly engrossed the following captioned House Joint Resolution:

HJR 11, Joint Resolution providing for a study of salaries for unclassified positions in state service.

### Special Order of Business at 11:01

Senator McMeekin called for the Special Order of Business.

Being further consideration of Committee Report, Inexpedient to Legislate, SB 10, relative to penalty for intimidation of state officials and employees. Senator McMeekin offered the following amendment to the bill:

Amend the title of the bill by striking out the words "and employees" so that said title of the bill as amended shall read as follows, An Act relative to penalty for intimidation of state officials.

Further amend the bill by striking out all after the enacting clause and substituting in place thereof the following.

1 Offenses Against Public Officials. Amend RSA 587 by inserting after section 27 the following new section: 587:27-A Intimidation. If any person shall intimidate any executive or judicial officer or any member of the general court, either before or after such member takes his seat, with intent to influence his action, vote or judgement as to any matter pending before such executive or judicial officer, or the general court of which the person intimidated is a member, he shall be fined not more than five hundred dollars or imprisoned not more than three months.

2 Takes Effect. This act shall take effect sixty days after its passage.

Senator McMeekin spoke in support of the proposed amendments: "These amendments bring this bill in line with the present statutes in connection with bribery. As I explained the other day, there is a law on the books today regarding bribery; this simply adds the intimidation clause. This defines exactly the language of the bribery clause, with the word intimidation substituted for the word bribery. The other change takes out the word employees. That does not occur in the bribery law. The penalty has been reduced — no officials would be penalized for intimidation of voters."



Senator McMeekin moved that the words, Ought to pass with amendment be substituted for the words, Inexpedient to legislate.

Senator Humphreys: "This amendment changes the whole bill. The Executive Dept., Municipal & County Government Committee considered the bill as it was written before. No Committee has had any time to consider the bill as now written with the amendment. I think someone should study the amendment before passing on it this quickly. I think this bill should be referred to the Judiciary Committee or the Judicial Council. It is a matter of law that seems to be a little bit outside the bounds of the Executive Dept. Committee."

Senator Cleveland moved that the bill with the accompanying amendment be committed to the Committee on Judiciary.

Senator McMeekin stated that he had no objection to that motion and would vote for it.

On a *viva voce* vote, the motion carried, and the bill with the accompanying amendment was referred to the Committee on Judiciary.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2 o'clock to be made in order at the present time.

### Afternoon Session

#### Third Reading & Final Passage of Bills

SB 6, relative to performance bonds on federal aid highway projects.

SB 7, relative to educational assistance to the blind.

SB 8, relative to the Nesmith Trust Fund.

SB 9, relative to duties of the state historical commission as to erection of historic signs.

SB 12, relative to the classification of a highway in the city of Lebanon.

SB 16, naming an interstate highway the General Frank D. Merrill Highway.

SB 23, relating to the American flag.

On motion of Senator English, the Senate adjourned at 12:13 o'clock.

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WEDNESDAY, FEBRUARY 1, 1961

The Senate met according to adjournment.

### Guests

As guests of Senator Monahan, District No. 5, Doctor John Sloan Dickey, President of Dartmouth College, and Daniel H. Monahan, son of the Senator, Senior student at the University of New Hampshire. The President requested Senator Monahan to escort Doctor Dickey to the rostrum and to address the Senate. The Doctor spoke briefly, expressing his pleasure at this opportunity.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 2, relative to eating places and for correction of references in statutes.

HB 3, relative to definition of adulteration of milk and milk products.

HB 53, relative to meetings of the inter-departmental committee on welfare and institutions.

### Read and Referred

To Public Health, Welfare & State Institutions:

HB 2, relative to eating places and for correction of references in statutes.

HB 53, relative to meetings of the inter-departmental committee on welfare and state institutions.

To Agriculture:

HB 3, relative to definition of adulteration of milk and milk products.

### **Introduction, First & Second Reading of Senate Bills**

SB 35, to broaden the curriculum at teachers colleges. (Cleveland) To Education.

SB 36, to apply the principles of home rule to the establishing of salaries of city officials and employees. (Cleveland) To Judiciary.

SB 37, permitting property tax exemptions of ski areas under certain conditions. (Cleveland) To Judiciary.

SB 38, to enable towns and cities to contribute to ski areas under certain conditions. (Cleveland) To Judiciary.

### **Introduction, First & Second Reading of Senate Joint Resolution**

Senator Cleveland introduced the following Senate Joint Resolution 1 and spoke in support of its adoption:

#### **Joint Resolution**

relative to improving ski area facilities in  
New Hampshire

*Whereas*, In 1949 the state of Vermont had ten major ski areas with thirteen cable lifts and the state of New Hampshire had eight such areas with eight major lifts, and

*Whereas*, Ten years later Vermont had twenty-two major ski areas with fifty-eight cable lifts and the state of New Hampshire had only fourteen such areas with twenty-seven cable lifts, and

*Whereas*, The ski business has grown in popularity and is of great importance to the health and recreational opportunities of the citizens of this state, and is of increasing economic importance to our resort and recreational industries, be it therefore

*Resolved*, That the chairman of the Planning & Development Commission is hereby directed, in cooperation with the

director of Recreation, the commissioner of Public Works & Highways, and any other public or private individuals, organizations, or agencies, entrusted directly or indirectly, with the promotion of winter sports in the state of New Hampshire, to verify the disparity in the development of ski areas between the state of New Hampshire and the state of Vermont, and to report his findings to the General Court by March 31, 1961, as to the reasons therefor, together with his recommendations if any for the development of additional ski areas, either privately or publicly owned, in the state of New Hampshire. He shall hold such public hearings as may be necessary and shall explore all possibilities of assistance to the ski area industry which may be rendered by the state, including specifically the building and maintaining of roads, the financing of ski area developments by state or private funds, or a combination of both, and by any other methods of assistance which may come to his attention.

On motion of Senator Cleveland, the rules of the Senate were so far suspended as to dispense with printing and referral to Committee of the above Senate Joint Resolution; that same will be printed in today's Journal, and consideration of same to be made Special Order of Business for tomorrow morning at 11:01 o'clock.

### House Message

Mr. President:

The House of Representatives has passed the following Concurrent Resolution, in the passage of which it asks the concurrence of the Honorable Senate:

### Concurrent Resolution

Protesting relocation of Interstate Highway 91 within  
the State of Vermont

*Whereas*, New Hampshire has spent substantial sums for the construction of Interstate Highways 93 and 89 in the vicinity of the Vermont border; and

*Whereas*, for purposes of self-aggrandizement, certain groups in the state of Vermont wish Interstate Highway 91 within the state of Vermont located farther from the New Hampshire-Vermont border than originally proposed; and

*Whereas*, such relocation would reduce substantially the benefits to be derived from the sums already spent by New Hampshire; and

*Whereas*, the future economic development of the Connecticut Valley depends heavily on retention of the location originally proposed for Interstate Highway 91 within the state of Vermont; and

*Whereas*, his Excellency, Governor Powell, and Commissioner Morton of the New Hampshire Department of Public Works and Highways have publicly denounced such proposed relocation of Interstate Highway 91, now therefore be it

*Resolved*, by the House of Representatives with the Senate concurring, That the General Court of The State of New Hampshire is unalterably opposed to such proposed relocation of Interstate Highway 91 within the state of Vermont, be it further

*Resolved*, That the members of the New Hampshire delegation in the Congress of the United States be requested to oppose such proposed relocation of Interstate Highway 91, be it further

*Resolved*, That the Secretary of State be instructed to forward copies of this Concurrent Resolution to the Commissioner of the Bureau of Public Roads of the United States, the Secretary of Commerce of the United States and to each of the members of the New Hampshire delegation in Congress.

The President recognized Senator Phillips: "I am heartily in favor of this Concurrent Resolution and move its adoption."

Senator English: "I am in favor of the concurrent resolution but I would like to move, to permit discussion, an amendment to delete the phrase 'for purposes of self-aggrandizement'. It would appear to be unduly impolite."

Senator Cleveland: "I would say that maybe we are not being impolite enough."

Senator Phillips: "I would like to say that the wording expresses exactly what the group in Vermont is trying to do. It is for their own selfish interest."

Senator Lamontagne: "I support the motion of Senator Phillips. I can see no need to delay further. We should take action immediately."

Senator English withdrew his motion.

On a *viva voce* vote, the above Concurrent Resolution was unanimously adopted.

The President recognized Senator Dunlap who moved that the order whereby HB 59, relating to Amoskeag Savings Bank was referred to the Committee on Banks & Insurance be vacated and spoke in support thereof: "This bill is relative to the Amoskeag Savings Bank and the number of corporate members. Originally, in its charter the Amoskeag Bank was authorized to have 40 incorporators. For its own personal and business reasons, it wishes to increase this number to 50. I think that inasmuch as this is a private business matter, affecting only the one bank, if the order to vacate can be passed, it eliminates the necessity for having a public hearing on it."

Senator Dunlap read the bill:

relating to Amoskeag Savings Bank.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Number of Corporate Members. Amend section 6 of chapter 1257 of Laws of the State of New Hampshire passed at the June session 1852 by striking out the word "forty" in the second line of said section and inserting in place thereof the word, fifty, so that said section as amended shall read as follows: Sec. 6. The number of members of said corporation shall not exceed fifty at any one time; and any number not less than seven shall constitute a quorum for the transaction of business at the annual and other meetings of the members of said corporation; provided, such meetings shall have been duly notified according to the by-laws of said corporation: And provided further, that said corporation may by its by-laws require the attendance of one or more of its officers to constitute a quorum for the election of new members, in addition to the number of members hereinbefore prescribed for constituting a quorum.

2 Takes Effect. This act shall take effect upon its passage.

Senator Holmes stated that while she was not from the district in which the bank is located, many of her constituents were depositors in the bank so she wished to have the bill read.

Senator Daniel spoke in support of the motion of Senator Dunlap.

On a *viva voce* vote, the affirmative prevailed and the motion to vacate carried.

Senator Dunlap moved that the rules of the Senate be so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

Senator Battles inquired of Senator Dunlap: "Can you tell me of the urgency of doing this today?"

Senator Dunlap: "No urgency at all, but it is a private matter with this bank. I am informed by a member of the Senate that this might hasten the filling of the 10 additional places. Insofar as it only affects one bank, it would seem that it was in the best interests of the Senate to take care of it today."

Senator Battles inquired if Senator Dunlap would object to having it a matter of business for tomorrow.

Senator Dunlap replied in the negative.

On motion of Senator Dunlap, consideration of the bill was made a Special Order of Business for tomorrow morning at 11:02 o'clock.

On motion of Senator Daniel, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2 o'clock to be made in order at the present time.

### Afternoon Session

On motion of Senator Paquette, the Senate adjourned at 11:40 A.M.

THURSDAY, FEBRUARY 2, 1961

The Senate met according to adjournment.

### Guests

As guests of Senator Caron: Sister M. Marion, Board of Directors, State Nurses Association; Sister Mary of Mercy J — New Hampshire State Board of Nursing Education and Nurse Registration; Mildred M. Matson, Chairman, State Board of Nursing; and E. Mae Davis, President, New Hampshire State Nursing Association, all of Manchester.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

HB 145, relative to purchases by the Soldiers' Home.

### AN ACT

relative to purchases by the soldiers home.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 Appropriation. The sum of two thousand five hundred dollars is hereby appropriated to be expended by the superintendent of the soldiers home for the purchase of a station wagon and for maintenance of said vehicle. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money not otherwise appropriated.

2. Purchases. The superintendent of the soldiers home is authorized to make purchases from the inventory at the Laconia state school. Notwithstanding any other provisions of law and funds received by the Laconia state school from sales to the soldiers home shall be credited to the state school.

3. Takes Effect. This act shall take effect upon its passage.

Senator Battles moved that the rules of the Senate be so far suspended as to dispense with referral to committee of the above entitled bill and that the bill be placed upon its third



reading and final passage at the present time, and spoke in support of the motion:

"Mr. President, this bill calls for an appropriation of \$2,500. There is an item in the budget for the Soldiers' Home at the present time for \$2,400 for the purchase of this station wagon. The reason for the need of the wagon is to enable them to purchase vegetables, etc. from the Laconia State School where they are raised and can be bought at a saving. This will bring a net saving each biennium of \$1,000. We will strike out of the budget the \$2,400 and the \$1,000 on food and spend \$2,500 now for the purchase of the station wagon. This will mean a net saving to the State of \$1,900. The reason for suspending the rules and doing it today is so that the Soldiers' Home can start this program the first of the month."

Senator McMeekin inquired of Senator Battles: "What is the amount for maintenance of this wagon?"

Senator Battles: "The figure of \$2,500 includes the maintenance of the vehicle for 2 years."

On a *viva voce* vote, the motion of Senator Battles to suspend the rules carried.

### **Third Reading and Final Passage of House Bill**

HB 145, relative to purchases by the Soldiers' Home.

### **Introduction, First & Second Reading of Senate Bills**

SB 39, relative to superstructures over highways in cities and towns. (Caron) To the Committee on Public Works.

SB 40, exempting state-owned motor vehicles from payment of motor vehicle road toll. (Battles) To the Committee on Ways & Means.

### **Committee Reports**

Senator Phillips, for the Committee on Judiciary:

SB 18, providing for the election of county commissioners for the county districts of Coos County.

Senator Cleveland: "Mr. President, I regret to inform the Senate that the approval of the Senate Judiciary Committee in respect to this bill was not unanimous as the Senators will short-

ly find out for themselves. This bill provides that in the county of Coos, the County Commissioners will be voted on only by those people living in each district. An amendment will be proposed at a later date. This bill was introduced by Senator Drake and at the hearing seven or eight Representatives from Coos County spoke in favor of it and an almost equal number spoke in opposition to it. The Committee has recommended that it seems logical and fair that the people who live in one of these Commissioner Districts are the ones that should vote on it and not those living outside the Commissioner District. This is another matter of self determination and home rule."

Senator Lamontagne offered the following amendment and spoke in favor of same:

Amend the bill by adding after the word "Hillsborough" in line 12 of Sec. 1 of the bill the following words, Rockingham, Belknap, Merrimack, Cheshire and Sullivan, so that said section shall read as follows:

1 County Commissioners, Election. Amend RSA 64:1 (supp) as amended by 1955, 261:1 and 317:1 by inserting after the word "Grafton" in the seventh line the word, Coos, and by striking out the word "solicitor" in the third line and inserting in place thereof the word, attorney, so that said section as amended shall read as follows: 64:1 Election; Term. There shall be chosen at each biennial election by ballot, by the inhabitants of the several towns in each county qualified to vote for state senators, a sheriff, a county attorney, a county treasurer, a register of deeds, a register of probate and three county commissioners, each of whom shall take office on January first next succeeding his election, and shall hold the same for two years and until his successor is chosen and qualified, provided, however, that in the counties of Grafton, Coos, Hillsborough, Rockingham, Belknap, Merrimack, Cheshire, and Sullivan the inhabitants of the several towns in each of the commissioner districts, so qualified, shall choose at each election one commissioner for said district.

Further amend said bill by striking out Section 2 of the bill and inserting in place thereof the following new Section 2:

2 Commissioner Districts. Amend RSA 64 by inserting after section 1-b as inserted by 1955, 317:2 the following new section 64:1-c The counties of Coos, Rockingham, Belknap,

Merrimack, Cheshire, and Sullivan are divided into three districts as provided in RSA 64:11 for the purpose of choosing county commissioners and each district is entitled to elect one commissioner.

Further amend said bill by adding after the word "Hillsborough" section 3, line 9, the words, Rockingham, Belknap, Merrimack, Cheshire and Sullivan, so that said section as amended shall read as follows:

3 Qualifications. Amend RSA 64:2 (supp) as amended by 1955, 261:3 and 317:3 by striking out the word "solicitor" in the second line and inserting in place thereof the word, attorney, and by inserting after the word "Grafton" in the fourth line the word, Coos, so that said section as amended shall read as follows: 64:2 Eligibility. No person is eligible to the office of sheriff, county attorney, county treasurer, register of deeds, register of probate or county commissioner unless he is a resident of the county for which he is chosen, and, in the case of the county commissioners of the counties of Grafton, Coos, Hillsborough, Rockingham, Belknap, Merrimack, Cheshire and Sullivan unless he is a resident also of the district for which he is chosen. No person shall hold two of said offices at the same time, and the acceptance of one of them shall be a resignation of the others.

Further amend said bill by adding after the word "Hillsborough" in Section 4, line 8, the words, Rockingham, Belknap, Merrimack, Cheshire and Sullivan, so that said section as amended shall read as follows:

4 Commissioners. Amend RSA 64:12 (supp) as amended by 1955, 317:4, by inserting after the word "Grafton" in the fifth line the word, Coos, so that said section as amended shall read as follows: 64:12 Commissioners, Eligibility, Voting and Election. In the foregoing counties, no person shall be eligible to be a candidate for county commissioner except from the district in which he is a resident. The inhabitants of said counties may vote for not more than one candidate from each district, except in the counties of Grafton, Coos, Hillsborough, Rockingham, Belknap, Merrimack, Cheshire and Sullivan where the inhabitants of each district therein may vote for not more than one candidate from said district. In all of said counties the candidate receiving the highest number of votes in any

one district shall be declared elected county commissioner from that district.

"This amendment just makes it that all the Counties would be the same throughout the whole State. My reason for offering this — if it is home rule, then it should be home rule for the whole State."

Senator Drake spoke in opposition to the amendment: "I am in great sympathy with the methods of this amendment, but I still feel that the basic reason for this bill is being extended. I have no desire to tell voters in other Counties what to do. As a matter of principle, I will oppose this amendment to the bill. I am in sympathy with home rule, but I will not attempt to tell the various Counties what to do within their own volition. I think this is a move to defeat this bill."

Senator Gardner: "I feel exactly the same as Senator Drake. I would prefer to have my own County vote which way they wish to have their County Commissioners elected."

Senator McMeekin inquired: "How many of these Counties named here do now elect one Commissioner from each District?"

Senator Drake: "Grafton and Hillsborough. There are two bills pending in the House on this same basis."

Senator McMeekin: "I happen to be the Senator who started this movement for Grafton County in 1955. At that time, Grafton County was districted and like other Counties were voting Countywise for County Commissioners. We had no difficulty. It appeared to me that it was only fair to confine the voting to the Districts that they represent. I asked about the constitutionality. The answer was that either method would be constitutional. I disagreed at that time and I disagree now. I think that each County should have the right to determine for themselves which method they wish to use. I oppose the amendment."

Senator Monahan: "I concur in the observations and remarks of Senator McMeekin. It has worked very well in Grafton County. I would oppose the amendment and will support the original bill."

On a *viva voce* vote, the negative prevailed, and the amendment was not adopted.

Senator Lamontagne spoke in opposition to the bill, and moved that the bill be indefinitely postponed.

Senator Drake spoke in support of the bill.

Question being on motion to indefinitely postpone.

On a *viva voce* vote, the negative prevailed, and the motion was defeated.

On a *viva voce* vote, the bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

SB 27, relating to the salary of the mayor of the city of Nashua. Ought to pass.

Senator Cleveland: "Mr. President, this is a non-controversial bill. It raises the salary of the mayor of the city of Nashua from \$5,000 to \$8,000. As I have remarked in the past and at least one member of the Judiciary Committee expressed surprise that the Senate would have to concern itself on a matter over which it has so little knowledge. If the home rule bill passes, in the future matters of this nature will be taken care of. In the meantime, it is the only way to get increases in cases such as this. The Committee reports this bill as ought to pass — it will go to the House where it will be referred to the Nashua delegation."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 11, relative to names of business corporation. Ought to pass.

Senator Cleveland: "Mr. President, this is a very non-controversial bill. It simply permits a person who is going to establish a corporation to reserve a name for the new corporation at the Secretary of State's office for a fee of \$5.00 for two months."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 12, relative to regulations for use of limited access highways. Ought to pass.

Senator Cleveland: "Mr. President, this is another non-controversial bill. It permits the Commissioner of Public Works & Highways to regulate horseback riders and some other vehicles not covered by present law on the interstate highway system."

The bill was ordered to a third reading.

Senator Sawyer, for the Committee on Executive Dept., Municipal & County Government:

SB 28, relating to bonds for housing projects and redevelopment projects. Ought to pass with amendment.

Amend SB 28 by inserting in section 2 thereof immediately after the word "resolution" in line 9 the words, notwithstanding the requirements of any general or special law pertaining to the estimated life of the improvement, so that said section shall read: 2 Ratification of Acts of Municipalities. Each and every ordinance or resolution approved by the governing body of a municipality prior to the passage of this act and authorizing the issue or sale of bonds or notes for the purpose of raising funds to be donated to a housing authority or used in the exercise of any of the other powers granted to municipalities under RSA 203 and RSA 205 is hereby validated, ratified, confirmed and approved, and bonds or notes may be issued and sold in accordance with the terms of any such ordinance or resolution notwithstanding the requirements of any general or special law pertaining to the estimated life of the improvement provided, however, that any bond maturity schedule prescribed in any such ordinance or resolution shall be adjusted to permit the payment of the loan in the amounts and over the number of years prescribed, the first payment to be made within one year from the date of the bonds. Any and all bonds or notes heretofore issued for the purposes stated above are validated, ratified, confirmed and approved.

On motion of Senator Humphreys the reading of the amendment was dispensed with and he explained same: "This is one of those bills to take care of a technicality on an issue raised by a bond counsel for renewal projects. The gist of the bill — while the projects have been carried on in the past, the question has now been raised and this bill is to do away with the technicality of bond counsel. There is no provision in the present law to allow municipalities to contribute with the federal gov-

ernment for urban renewal projects; nothing in the law to say that this can be done. This bill as amended accomplishes this."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading.

### **Special Order of Business at 11:01**

Senator Dunlap called for the Special Order. Same being motion of Senator Dunlap to suspend the rules of the Senate to place the following entitled bill on its third reading and final passage at the present time:

HB 59, relating to Amoskeag Savings Bank.

Senator Dunlap: "The bill in question has to do with the number of incorporators for the Amoskeag Savings Bank in Manchester. Presently, under a charter that goes back to the nineteenth century, there are nine trustees. They meet once a year, at least, in order to take up whatever business might come before the corporation, and most importantly, to elect trustees. The present charter provides that less than seven will not constitute a quorum. The bill that is before us would permit the bank to increase its incorporators from 40 to 50 people. There is no urgent need to put 10 new people on the board, but it is felt that because of its growth this would be advisable. There is no disposition on the part of the present corporation to ask members of the board to retire. In conclusion, it would appear that because this is a bank chartered under the laws of the State of New Hampshire and because it is a private corporation that it would be in the best interests of all concerned to vote in favor of suspension of the rules and passage of the bill."

On a *viva voce* vote, the affirmative prevailed, and the motion to suspend the rules carried.

### **Third Reading and Final Passage of House Bill**

HB 59, relating to Amoskeag Savings Bank.

### **Special Order of Business at 11:02**

Senator Cleveland called for the Special Order. Same being consideration of:



SJR 1, Joint Resolution relative to improving ski area facilities in New Hampshire.

On motion of Senator Cleveland, the rules of the Senate were so far suspended as to place the Joint Resolution on its third reading and final passage at the present time.

### **Third Reading and Final Passage of Joint Resolution**

SJR 1, Joint Resolution relative to improving ski area facilities in New Hampshire.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2 o'clock to be made in order at the present time, and when the Senate adjourns today, it be to meet next Tuesday morning at 11 o'clock.

### **Afternoon Session**

#### **Third Reading and Final Passage of Bills**

SB 18, providing for the election of county commissioners for the county districts of Coos County.

SB 27, relating to the salary of the mayor of the city of Nashua.

SB 28, relating to bonds for housing projects and redevelopment projects.

HB 11, relative to names of business corporations.

HB 12, relative to regulations for use of limited access highways.

On motion of Senator Gardner, the Senate adjourned at 12:05 o'clock.



TUESDAY, FEBRUARY 7, 1961

The Senate met according to adjournment.

### Guests

Guest of Senator Eaton, Joe Dobson of Nelson, N. H., former Red Sox all star pitcher.

Guest of Senator Bunten, Mr. J. Overton Beckett of Pembroke, connected with the Evans Printing Company.

Guest of Senator Lamontagne, Mr. Marcel Pouliot of Berlin.

Guest of Senator Phillips, Thomas F. Marx, the son of the Senate Counsel.

Guest of the entire Senate, former President of the Senate Eralsey C. Ferguson, Concord.

### Introduction, First & Second Reading of Senate Bills

SB 41, empowering and authorizing the town of Derry to establish a department of public works. (Buckley) to Public Works.

SB 42, providing for the attorney general to represent a city or town in certain tax abatement proceedings. (Battles) To Judiciary.

SB 43, relative to overpayment of income taxes. (Humphreys) To Ways & Means.

SB 44, relating to devises and bequests to trusts. (Cleveland) To Judiciary.

SB 45, providing special licenses for lounges at municipal airports. (Green) To Liquor Laws.

SB 46, relative to assessment of taxes. (Humphreys) To Ways & Means.

### Committee Reports

Senator Phillips, for the Committee on Judiciary:

HB 42, relative to property holding by the Nashua Protestant Home for Aged Women: Ought to pass.

Senator Cleveland: "Mr. President, this is a non controversial bill. It springs from the situation whereby some of the charters granted in the past fix the amount of property these corporations can hold. This removes the limit of \$300,000. No opposition."

The bill was ordered to a third reading.

Senator Drake, for the Committee on Public Health, Welfare & State Institutions:

SB 32, relative to assistance to needy blind. — Ought to pass.

Senator Drake: "Mr. President, this is another non controversial bill. Commissioner Barry of the Welfare Department spoke in favor. It raises the level from the present \$50 to \$85 plus one-half of the earned income in excess of the \$85 (per month). Mandatory in 1962 if the State is to be eligible for federal grants and aids. No opposition."

The bill was ordered to a third reading.

### Communication

### THE WHITE HOUSE WASHINGTON

February 1, 1961

Dear Senator Green:

I am very grateful to you for the resolutions which you and Representative Stewart Lamprey have sent to me from the General Court of the State of New Hampshire.

I hope that you and Speaker Lamprey will extend to all members of the General Court my gratitude for this expression of confidence and good will.

With every good wish,

Sincerely,

/s/ John Kennedy

Honorable Samuel Green  
President of the Senate of  
the State of New Hampshire  
Concord, New Hampshire

(In handwriting) I am most grateful for this generous thought.

The President announced that there would be a meeting of the Rules Committee immediately after adjournment.

The President declared a brief Recess.

(Recess)

The Senate re-assembled.

### Committee Reports (continued)

Senator Buckley, for the Committee on Public Works:

SB 21, relative to contributions from cities and towns on class II highways: Inexpedient to legislate.

Senator Dunnington: "Mr. President, In going over this bill, our Committee felt in that there was only about \$150,000 involved here, no particular hardship was created on the Department. However, in small towns, a situation of hardship might appear in cases where small towns might have a road program to go on over two years."

Senator Buckley: "Mr. President, in the past, towns go on a year by year basis. If this was to be passed, all the money would have to be paid in one year. That is why I voted the bill inexpedient."

On a *viva voce* vote, the report of the Committee, Inexpedient to legislate, was unanimously adopted.

Senator Buckley, for the Committee on Public Works.

HB 13, relative to classification of turnpikes and interstate highways. Ought to pass.

Senator Dunnington: "Mr. President, this is a bill requested by the Highway Department. At the present time, our turnpikes and interstate systems are not classified, but are governed by certain regulations followed by the Highway

Department on classified roads. This bill would classify both the turnpikes and the interstate systems. There was no opposition."

The bill was ordered to a third reading.

Senator Buckley, for the Committee on Public Works:

HB 18, relating to reports of the commissioner of public works and highways. Ought to pass.

Senator Dunnington: "Mr. President, this is another bill requested by the highway department. It is a housekeeping bill. All the other major departments make their annual reports as of June 30th of each year, but the date for the highway department, for some reason, has always been December 31st. They will make the 1960 report as of December 31st, then they will make a single 6 months' report as of June 30th. From there on they would conform with the other departments of the state."

The bill was ordered to a third reading.

Senator Buckley, for the Committee on Public Works:

HB 26, relative to auxiliary service roads and their classification. Ought to pass.

Senator Dunnington: "Mr. President, this will cover the situation where a super highway goes through a town or city system and closes off a certain number of streets. Some times this will interfere with the normal flow of traffic so the state builds a service road to expedite a dead end street. This service road has no classification at the present time — all cost borne by the state. This bill would classify the road and turn the road over to the town or city."

The bill was ordered to a third reading.

On motion of Senator Paquette, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2 o'clock to be made in order at the present time.

### Afternoon Session

### Third Reading and Final Passage of Bills

SB 32, relative to assistance to needy blind.

HB 13, relative to classification of turnpikes and interstate highways.

HB 18, relating to reports of the commissioner of public works and highways.

HB 26, relating to auxiliary service roads and their classification.

HB 42, relative to property holding by the Nashua Protestant Home for Aged Women.

The President recognized Senator English who suggested that Joint hearings with the House would be helpful in expediting the session.

Senator McMeekin spoke, stating that he felt Joint hearings should be used very sparingly. Stated that Joint hearings take away from the Senate.

Senator Dunlap: "The Chairman of the Banks & Insurance Committee of the Senate agreed to a joint hearing with the House Committee on Banks, feeling that it was in the best interests of the public to do business this way. We have told the House that after the joint hearing, the Senate Banks Committee will deliberate independently of the House Committee. If there is any question in anyone's mind — it will be reported in in the House before coming into the Senate. After having been acted upon in the House, it will come into the Senate and the executive session will not be held until such time supplemental information is received."

Senator Lamontagne agreed with Senator McMeekin and against joint hearings.

Senator Holmes: "These joint hearings are not for the benefit of the Committee, but to assist the citizens. By the holding of Joint hearings, they will only appear once, instead of twice. In the case of people travelling some distance from the north — it would save them making the trip twice."

On motion of Senator Dunnington, the Senate adjourned at 11:50 A.M.

WEDNESDAY, FEBRUARY 8, 1961

The Senate met according to adjournment.

Senator Caron, District No. 17, presiding.

### Guests

As the guest of Senators Lamontagne, Monahan, Eaton, English and Bergeron, the Honorable Joseph Malley of Cranston, Rhode Island, a member of the Rhode Island Senate for eighteen years until he declined to run for reelection in 1960. Senator Malley is a member of the Interstate Commission of Rhode Island, and currently in Concord as a member of the Northeastern Forest Fire Protection Commission. Senator Malley was accompanied by Messrs. Matteson and Edson, Rhode Island Forest Fire Service. The President requested Senator Lamontagne to escort Senator Malley to the rostrum and invited the Senator to address the Senate. Senator Malley spoke briefly, expressing his pleasure in having an opportunity to visit the New Hampshire Senate, and stressed the importance of Legislators from one state knowing the Legislators from another state. He extended an invitation to the New Hampshire Senators to come down to Rhode Island and visit the Senate there.

As the guest of Senator Monahan, our own "Smokey" — Mr. Ricard from Canaan.

As the guest of the acting Governor, Senator Green, and Senator Eaton, Mr. George Kircanian of American Consular Service.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

HB 61, changing the name of Union Insurance Company of America, Inc.

The Message further stated that the House of Representatives has voted to concur with the Honorable Senate in the pas-

sage of the following entitled bills, sent down from the Honorable Senate:

SB 15, in relation to Hillsboro Guaranty Savings Bank.

SB 16, naming an interstate highway the General Frank D. Merrill Highway.

### **Read and Referred**

To the Committee on Judiciary:

HB 61, changing the name of Union Insurance Company of America, Inc.

### **Introduction, First & Second Reading of Senate Bill**

SB 47, relative to taxation of road building or construction equipment to be used for a temporary purpose. (McMeekin)  
To Ways & Means.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House Bills:

HB 11, relative to names of business corporations.

HB 12, relative to regulations for use of limited access highways.

HB 59, relating to Amoskeag Savings Bank.

HB 145, relative to purchases by the Soldiers Home.

Marion L. Phillips  
For the Committee

On motion of Senator Lamontagne, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2 o'clock to be in order at the present time.

### **Afternoon Session**

On motion of Senator Daniel, the Senate adjourned at 11:25 A.M.

THURSDAY, FEBRUARY 9, 1961

The Senate met according to adjournment.

### **Guests**

As guests of Senators Holmes and Phillips, Mr. Rustum Adershipour, visiting teacher from Iran, and Mr. Newell J. Paire, Superintendent of Schools, Claremont, N. H.

### **House Message**

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 52, to authorize towns to adopt fire prevention code by reference.

HB 54, designating the house of correction in Rockingham county as a jail.

### **Read & Referred**

To the Committee on Judiciary:

HB 52, to authorize towns to adopt fire prevention code by reference.

HB 54, designating the house of correction in Rockingham county as a jail.

### **Introduction, First & Second Reading of Senate Bill**

SB 48, amending the financial responsibility act. (Bergeron)  
To the Committee on Judiciary.

### **Committee Reports**

Senator Bergeron, for the Committee on Banks & Insurance: SB 26, in relation to automobile liability insurance. Ought to pass with amendment.

Amend section 1 of said bill by adding at the end the following: "insurance commissioners, except that such amendments must have first been approved by at least ten per cent of all subscribers writing not less than twenty per cent of the



direct premiums for motor vehicle liability insurance in the state," so that said section as amended shall read as follows:

1 New Hampshire Assigned Risk Plan. Amend RSA 412 by inserting after section 19 the following new section: 412:19-a. Adoption of Assigned Risk Plan. Every insurer authorized to transact in this state the business of motor vehicle bodily injury and property damage liability insurance shall, as a condition precedent to the issuance or continuation of such authorization, subscribe to and in every respect be bound by the rules of the New Hampshire assigned risk plan now in effect in this state and on file in the office of the insurance commissioner. Amendments to the assigned risk plan may be proposed from time to time by the insurance commissioner or by the subscribers to the plan. Amendments proposed by the insurance commissioner shall become effective and binding upon all subscriber companies unless disapproved in writing filed with the insurance commissioner not more than thirty days after their proposal by at least ten per cent of all the subscribers writing not less than twenty per cent of the direct premiums for motor vehicle liability insurance in the state. Amendments proposed by the subscribers shall be submitted to the insurance commissioner through the manager of the plan and shall not become effective until approved by the insurance commissioner, except that such amendments must have first been approved by at least ten per cent of all subscribers writing not less than twenty per cent of the direct premiums for motor vehicle liability insurance in the state.

On motion of Senator Dunlap, the reading of the proposed amendment was dispensed with and Senator Dunlap explained the bill and the amendment: "Mr. President, this bill has to do with the automobile assigned risk law. In New Hampshire, some years back in connection with a financial responsibility act, the insurance companies voluntarily agreed to set up a pool into which all applications for insurance by other than standard risks buyers would go. There is no statute now that requires these companies to write any insurance on these so-called undesirable risks. As all of you are well aware, the insurance business is primarily and basically a pooling of our assets so that if any mishaps befall any one of us, we all share this burden. Most of us are fortunate enough so we can face this risk along with our neighbors. Invariably, there are people operating automobiles who, for a number of reasons, are not

good risks for you and me to pool our money with. On the other hand, it is not logical for us to pay for what they do without making them responsible. This pool has been created and the companies doing business in New Hampshire have voluntarily agreed with the Insurance Commissioner to take some 14,000 people who are not good risks, put them into a pool and assign them — so these individuals who are not good standard risks may make application for coverage. Their application goes to this pool and up to this time, each company has taken a number of undesirable risks. This plan has worked well. It is the envy of the country. By and large, our premiums are made less than our neighboring states. This bill would for the first time give us some statutory requirement. Any company would have to take their fair share of undesirable risks. The time may never come when the companies will not take them voluntarily. But as the statute is now, at any time any company wishes to, they can refuse to take them. This would allow the proposal of amendment or changes, provided that these changes or amendments were not opposed by more than 10% of the companies writing 20% of the business. The changes would then become effective. At this point, if a change is recommended by the Insurance Commissioner and one company writing one policy objects, it cannot become the rule of the pool. This was the original bill to this point. This amendment would provide that the companies on their own motion can recommend a change in the rule or amendment; and again if fewer than 10% of the companies writing 20% of the insurance object, the rule would be adopted. This has the Insurance Commissioner's support. The committee voted unanimously after hearing the Deputy Commissioner; a member from the House, Mr. Stevens; who has understanding of this; Mr. Bodwell, representing insurance agents; after hearing them in favor, and nobody in opposition, voted the bill ought to pass with amendment."

Senator Lamontagne inquired of Senator Dunlap: "At the hearing, was there any talk about teen-age drivers. Or those with two convictions, who are unable to receive insurance?"

Senator Dunlap replied in the affirmative: "That is the kind of so-called undesirable risks that no company wants to underwrite."

Senator Lamontagne stated that he was in favor of the bill.

Senator Holmes inquired further as to the amendment.

Senator Dunlap: "In line 10 of the printed bill — the original bill provides that the rules and amendments shall emanate from the commissioner. They propose to permit these companies to move and recommend changes. As the thing stands right now, both commissioner and company may submit amendments. Because someone along the line felt that it might jeopardize the bill, they removed this permissive action with regard to the companies. It was put into the bill. Now, both the commissioner and the companies can move and recommend amendments and changes."

Senator Humphreys inquired if this bill would have any effect on the matter of rates on automobiles driven by teenagers.

Senator Dunlap replied in the affirmative and stated it would, but only indirectly.

(Discussion ensued)

Senator Bergeron stated that this bill only affects the assigned risk.

Senator Battles inquired: "What we are doing here, we are giving the companies the right to go over the head of our Insurance Commissioner?"

Senator Dunlap: "If we pass this bill, we are telling the companies that they must go along with the Insurance Commissioner, so we are thereby giving the Insurance Commissioner better control over the pool. Up to now, it has been strictly voluntary."

The amendment was adopted, and the bill as amended was ordered to a third reading.

### **Committee Reports (continued)**

Senator Drake, for the Committee on Public Health, Welfare & State Institutions: HB 2, relative to eating places and for correction of references in statutes. Inexpedient to legislate.

Senator Sawyer: "Mr. President, this is a rather loosely drawn act, to provide for toilet facilities where food is served to the public in the first section. This opens the field wide — and would be applicable to church suppers, etc. This act would take out of our laws the enforcement and penalty and put it

entirely in the hands of the health department. The committee felt that that is not proper. The second section of the bill probably should have been brought in in a separate bill. At the present time, we have no state laboratory of hygiene. It is the intent to introduce a separate bill to take care of the third section of this bill instead of amending this bill."

On a *viva voce* vote, the recommendation of the Committee, Inexpedient to legislate, was unanimously adopted.

Senator McMeekin, for the Committee on Ways & Means:

HB 25, relative to expenditures of revenue from turnpikes. Ought to pass.

Senator Eaton: "As stated by Senator Cleveland, this is a technical change in the law. In the footnotes of the 1959 laws relative to this subject, there is a different nomenclature on our various turnpikes. At the present, the tolls have to be restricted. What it does, it treats the revenue from the turnpikes collectively. The revenue can be used on the total highway."

The bill was ordered to a third reading.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills:

HB 13, relative to classification of turnpikes and interstate highways.

HB 18, relating to reports of the commissioner of public works and highways.

HB 26, relative to auxiliary service roads and their classification.

HB 42, relative to property holding by the Nashua Protestant Home for Aged Women.

SB 15, in relation to Hillsborough Guaranty Savings Bank.

SB 16, naming an interstate highway the General Frank D. Merrill Highway.

Robert S. Monahan  
For the Committee

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2 o'clock to be made in order at the present time and when the Senate adjourns today, it be to meet next Tuesday morning at 11 o'clock.

### Afternoon Session

#### Third Reading and Final Passage of Bills

SB 26, in relation to automobile liability insurance.

HB 25, relative to expenditures of revenue from turnpikes.

The President recognized Senator English: "Mr. President, a former member of the House, a distinguished citizen of Dublin a town I represent, Henry D. Allison, has recently celebrated his ninety-second birthday. He has served in an outstanding manner his town and state. This morning I have had occasion to show to certain members of the Senate an envelope bearing the writing of Mr. Allison. They agree with me that an ability to write with such skill at any age would be remarkable, but at ninety-two it is so remarkable as to be worthy of note by this body."

The President recognized Senator Humphreys: "Mr. President, in the last session, I sponsored, and we passed a bill relative to appropriation of \$125,000 for the improvement of Rye Harbor. In the town of Rye, they appropriated \$20,000 and at that time, it was the understanding that the federal government would appropriate some \$80,000. On the national level, this thing seems to be at a standstill. If there are any Senators interested in this project, they might confer with me, in order that we might make a concentrated effort to do something about this at the national level."

Senator Dunlap: "I agree with Senator Humphreys, if the legislation passed had merit last session, it might be wise to look into this matter. In checking into the Flood Control project in the Boston office, I submit that there was a substantial amount in the Corps budget for the Rye Harbor project, but unfortunately, it is not earmarked for that project. So if we hope to get that amount spent on Rye Harbor, we should make some concerted effort to keep the money in New Hampshire and not allow it to go to Massachusetts."

On motion of Senator Provost, the Senate adjourned at 11:55 A.M.

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TUESDAY, FEBRUARY 14, 1961

The Senate met according to adjournment.

### **Guests**

As the guests of Senators Provost and Daniel, Messers. George P. Guertin and Edward J. Loughney, Supreme Council Representatives, Knights of Columbus.

Guests of Senator Eaton, Representative James Miskelly and Reverend and Mrs. Hugh Q. Morton, all of Keene.

### **House Message**

Mr. President:

The House of Representatives refuses to concur with the Honorable Senate in the passage of the following entitled bill sent down from the Honorable Senate:

SB 2, relating to incompatible town offices.

The Message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following Joint Resolution sent down from the Honorable Senate:

SJR 1, Joint Resolution relative to improving ski area facilities in New Hampshire.

The Message further stated that the House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 75, providing a retirement system for employees of the city of Berlin.

HB 83, relative to the salary of the justice of the Concord municipal court.

HB 84, relative to the salary of the special justice of the Concord municipal court.

HB 146, to amend the charter of the city of Keene.

### **Read and Referred**

To the Committee on Judiciary:

HB 75, providing a retirement system for employees of the city of Berlin.

HB 83, relative to the salary of the justice of the Concord municipal court.

HB 84, relative to the salary of the special justice of the Concord municipal court.

To the Committee on Labor:

HB 146, to amend the charter of the city of Keene.

### **Introduction, First & Second Reading of Senate Joint Resolution**

SJR 2, Joint Resolution providing an appropriation toward the repair and improvement of the Berlin or Nansen ski jump, so-called. (Lamontagne) To the Committee on Finance.

### **Committee Reports**

Senator Dunnington, for the Committee on Fisheries & Game: SB 25, relative to fees for fish and game licenses, and eliminating the so-called license stamps. Ought to pass.

Senator Drake: "Mr. President, this bill in no way changes the present fees, but it does do away with the so-called license stamps. There was no opposition and all present spoke in favor."

The bill was ordered to a third reading.

Senator Dunnington, for the Committee on Fisheries & Game: HB 39, providing for forfeiture of fish or wild animals illegally imported into this state. Ought to pass.

Senator Drake: "Mr. President, there was no opposition. This was a department bill which called for the forfeiture of fish or wild animals illegally imported into this state. Ought to pass was the unanimous vote of the Committee."

The bill was ordered to a third reading.



Senator Dunnington, for the Committee on Fisheries & Game: HB 44, relative to forfeiture of fish and game not legally possessed. Ought to pass.

Senator Drake: "Mr. President, this is another bill requested by the Department. Representatives of the Commission appeared for it. There was no opposition and it was the unanimous vote of the Committee that the bill ought to pass."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary: SB 34, establishing the Emergency Interim Succession Act. Ought to pass.

Senator Cleveland: "Mr. President, this bill was introduced by Senator Lamontagne at the request of the Civil Defense organization, Admiral Brinkman, to implement the recent constitutional amendment allowing the Legislature to legislate in this field. It is rather long and involved, but is self explanatory; a simple reading of the bill will generally explain the subject matter of the bill. Basically, if there is an atomic or hydrogen attack on the State, the members of the Legislature, or other people in charge of State government, would be decimated. If this bill becomes law, they can appoint three to five successors. So that those employees can still function."

Senator English: I am not speaking in opposition, but I would like to have the record show that, at least one Senator thought there should be a final sentence "and use your head."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary: SB 36, to apply the principles of home rule to the establishing of salaries of city officials and employees. Ought to pass.

Senator Cleveland: "Mr. President, this is a bill that passed last session of the Senate in exactly the same form that it is now written. This bill was reintroduced actually because when the Judiciary Committee had before it the bill setting the salary of the city of Nashua, one member of the Committee was surprised and asked why that type of bill should come before the Legislature. This is really the essence of this bill. It simply states that the local officials will set the salaries of the city officials and employees. This same bill was not passed by the House last session. The Committee was unanimous in its report of ought to pass."



The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary: HB 35, relative to damage to domestic livestock by hunters. Ought to pass with amendment.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following: 1 Board of Assessment, Established. Amend RSA 426:13 by striking out said section in its entirety and inserting in place thereof the following: 426:13 Damage by Hunters. The state shall compensate the owners for all domestic livestock killed or wounded by hunters in the open season for hunting in any county. The state shall also compensate any individual or his estate who is killed or wounded by a hunter in the open season for hunting in any county. A board consisting of the commissioner of agriculture, the director of the fish and game and the deputy attorney general shall hear and determine all claims made hereunder and shall assess the amount of damages in each case found to be compensable. Said sum shall be a charge upon the fish and game fund. The decision of the board shall be final. No person or estate may file a claim hereunder unless they agree in writing to subrogate their rights to recover damages from the hunter or hunters who inflicted the damage for which compensation is sought. No person or estate shall be compensated for damage hereunder if the board finds that their negligence or negligence of the decedent contributed substantially to the damage complained of.

On motion of Senator Cleveland, who stated that the proposed amendment had been printed in the Journal of last Thursday, the reading of the amendment was dispensed with and Senator Cleveland explained same. "Mr. President, the new language is that the State shall also compensate any individual, or his estate, who is killed or wounded by a hunter in the open season for hunting in any county. No person or estate shall be compensated for damage hereunder if the board finds that their negligence or negligence of the decedent contributed substantially to the damage complained of."

Senator Caron moved that the proposed amendment be indefinitely postponed.

(Discussion ensued)

Senator Monahan spoke in support of the original bill as amended by the House, but opposed to this amendment proposed by the Judiciary Committee:

Mr. President: I rise in support of the original House Bill 35, as amended by the House, but I must object to the amendment now proposed by the Senate Judiciary Committee, as printed on page 112 of the Journal for February 9.

The amended bill, as approved by the House on January 26, was a logical proposition. It set up a board of three to adjudicate damages for loss of domestic livestock killed or wounded by hunters. The Farm Bureau Federation favored it. A very similar bill is now being considered by the Vermont Legislature. The House amendment enlarged the bill to include livestock losses from all hunters — not just by deer hunters.

But this Senate amendment requires compensation payments from Fish & Game funds for “any individual or his estate who is killed or wounded by a hunter in the open season for hunting in any county.”

Mr. President, I share with all Senators extreme sympathy for any individual or his survivors involved in this kind of unfortunate accident, but this is not the way to remedy the situation. A far better method was proposed by my predecessor from the Fifth District whereby purchasers of hunting licenses would pay an additional special fee to be deposited into a separate account from which such claims might be paid.

Under the pending amendment, as I read it, the entire funds of the Fish & Game Department would be vulnerable to such claims and, believe me, they could be high. This amendment would open up a Pandora’s box of complications involving cases which might not be genuine hunting accidents. It would provide an open-door for the many lawyers interested in obtaining this kind of judgment, where ample dollars could be tapped for compensation.

This is an outright raid on the Fish & Game Fund. It ought to be considered as a separate bill on its own merit — or rather demerit. I hope the Senate will defeat the proposed amendment and approve the original bill, as introduced by the Member from Durham, Mr. Bevan, and amended by the House.

Senator Holmes: "I am interested in getting more information on this matter. I am in sympathy with the bill, but before I vote to throw it completely out, I would like to discuss it further. I move that the bill with the proposed amendment be recommitted."

Senator Battles inquired of Senator Holmes: "Would you be willing to recommit the bill to the Joint Committee of Judiciary and Fisheries & Game?"

Senator Holmes replied in the affirmative.

Question being on the amended motion to recommit the bill to the Joint Committee of Judiciary and Fisheries & Game.

Senator McMeekin spoke in support of the pending motion.

(Discussion ensued)

Senator Lamontagne moved the previous question, seconded by Senator Caron.

Question being: Shall the main question now be put?  
On a *viva voce* vote, the affirmative prevailed.

Question being on motion of Senator Holmes, amended by Senator Battles that the bill be recommitted to the Joint Committee of Judiciary and Fisheries & Game.

On a *viva voce* vote, the affirmative prevailed, and the bill was recommitted to the Joint Committee.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House Bill and Senate Joint Resolution:

HB 25, relative to expenditure of revenue from turnpikes.

SJR 1, relative to improving ski area facilities in New Hampshire.

Louis Paquette  
For the Committee

### Change in Committee Reference

The President announced that he was revoking the order whereby the following entitled bill was referred to the Com

mittee on Judiciary and that he would refer the same to the Committee on Banks & Insurance:

SB 48, amending the financial responsibility act. (Bergeron)

### **Introduction, First & Second Reading of Senate Bill**

SB 49, establishing a department of health and welfare and providing for the merger therein of certain departments and agencies within the state government. (Buckley, Holmes, Sawyer, Phillips, Humphreys, Cheney, Green, Daniel and Lamontagne) To the Joint Committee of Executive Dept., Municipal & County Government and Finance.

### **Announcement**

The President announced that the Rules Committee would meet twenty minutes after adjournment today.

On motion of Senator Cheney, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2 o'clock to be made in order at the present time.

### **Afternoon Session**

### **Third Reading and Final Passage of Bills**

SB 25, relative to fees for fish and game licenses, and eliminating the so-called license stamps.

SB 34, establishing the Emergency Interim Succession act.

SB 36, to apply the principles of home rule to the establishing of salaries of city officials and employees.

HB 39, providing for forfeiture of fish or wild animals illegally imported into this state.

HB 44, relative to forfeiture of fish and game not legally possessed.

### **Communication**

The President stated that the following communication, relative to the so-called "Senatorial" scholarships, would be printed in the Journal:

UNIVERSITY OF NEW HAMPSHIRE  
Durham, N. H.

OFFICE OF THE PRESIDENT

February 9, 1961

Honorable Samuel Green  
55 Trenton Street  
Manchester, New Hampshire

My dear Senator Green:

I am writing pursuant to your request for further information on the procedures followed with respect to the so-called "Senatorial" scholarships.

Under policies on tuition grants adopted by the Board of Trustees in 1925, a State Senator may recommend a student or prospective student for a tuition grant. Such a recommendation does not mean, however, that the student will automatically receive a grant. All recommendations, regardless of the source, are reviewed by the University Financial Aids Committee. This committee is responsible for awarding grants upon the basis of financial need, academic standing, and participation in extra-curricular activities. For help in determining financial need, we ask students to complete a Parents Confidential Financial Statement in addition to the scholarship application. This statement is evaluated by the College Scholarship Service of Princeton, New Jersey, and a report given us for our guidance. We thus have the benefit of some objective appraisal based on national experience, although each case is decided by us upon its individual merits, in the light of total scholarship requests and funds available at the University of New Hampshire. When a decision has been made, the student filing the application is informed of the action taken.

Our policies and procedures have been developed to insure that funds for these purposes are used to give educational opportunity to those who would otherwise find it beyond their financial reach. For this purpose, we have employed a full-time Financial Aids Officer to assist students. The importance of the problem is shown by a recent report that this Officer has averaged twenty-seven cases a day since the Christmas holidays.

We appreciate your interest and your willingness to see that this clarification is more generally understood.

Sincerely yours,  
Eldon L. Johnson  
President

The President recognized Senator Humphreys who made the following inquiry: "In the case of Joint Committees, does a Senator have one or two votes if he is a member of both Committees?"

The President replied that he would make no ruling on a hypothetical case. That until the question was put formally, he would make no ruling.

On motion of Senator Buckley, the Senate adjourned at 12:40 o'clock.

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WEDNESDAY, FEBRUARY 15, 1961

The Senate met according to adjournment.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 4, relative to radiation protection.

HB 21, regulating the practice of professional engineering.

HB 56, eliminating the requirement for certain reports to the state board of health.

HB 82, giving injunctive relief for violations of water pollution commission orders.

HB 85, making counties eligible for state aid for water pollution control.

The Message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 6, relative to performance bonds on federal aid highway projects.

### **Read and Referred**

To the Committee on Public Health, Welfare & State Institutions:

HB 4, relative to radiation protection.

HB 56, eliminating the requirement for certain reports to the state board of health.

To the Committee on Military & Veterans Affairs:

HB 21, regulating the practice of professional engineering.

To the Committee on Resources, Recreation & Development:

HB 82, giving injunctive relief for violations of water pollution commission orders.

HB 85, making counties eligible for state aid for water pollution control.

### **Introduction, First and Second Reading of Senate Bills**

SB 50, authorizing the secretary of state to remove the names of candidates not qualified to be on the ballot. (Holmes)  
To Judiciary.

SB 51, relating to the licensing of auctioneers. (Bunten)  
To Judiciary.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled Senate Bill:

SB 6, relative to performance bonds on federal aid highway projects.

Robert S. Monahan  
For the Committee

### Announcement

The President made the following announcement: "The Senate Rules Committee met yesterday and recommended that next week, due to the fact that Wednesday is Washington's Birthday, a legal holiday, to show respect for the holiday, that the Senate meet on Monday, Tuesday and Thursday. Any Senator, attending hearings, either as a member of the Committee, or witness, or proponent or opponent of any bill, will notify the Clerk so that he will be marked present for the purpose of the manifest. I believe the Fish & Game Committee has already set up a hearing. Also, the Finance Committee will be meeting."

Senator Cleveland inquired what will be accomplished on Monday?"

The President: "I hope that the Committee Chairmen who have set hearings for Tuesday will move them up to Monday. That was the decision of the majority."

Senator Cleveland: "I don't care whether it is the decision of the majority or not, I think Monday will be a day lost."

Senator Holmes inquired: "Why do we not meet on Wednesday?"

The President: "The past year or so there has been a lot of comment about being unpatriotic on certain holidays, so we decided not to meet on the holiday, and would dispense with a formal session. The House will come in at 9 o'clock and immediately adjourn."

Senator Holmes: "If there is a principle involved, why do we have a committee hearing? How can the principle be carried out if the committees are meeting?"

The President: "That was set up by the House."

Senator Holmes: "Does the Rules Committee think it is not unpatriotic to have a committee hearing, but that it is unpatriotic to have a formal session?"

Senator English: "In my case, Mr. President, I ordinarily make plans for Monday and holding a session on Monday is awkward. Furthermore, I believe that if the Senate appropriately observed Washington's Birthday, it would be in accord



with highest patriotic thinking to carry on in the interests of our State and Nation."

The President: "Under this recommendation, we will be meeting three days. This is a recommendation from the Committee and as far as I am concerned, the opinions of the majority of the Senate will decide the action. I have no objection to dispensing with Monday if Chairmen feel that no work will be done."

Senator English: "I would appreciate having it Tuesday, Wednesday and Thursday. I do not think it would be unpatriotic."

Senator Lamontagne: "Meeting on Monday would be a little hardship for me. I would have to go back to Berlin Monday night for council meeting, but I do not mind that."

The President requested an informal show of hands, asking for those who feel we should follow our regular schedule.

By the show of hands, it was manifestly in the affirmative.

Therefore, the Senate will be in session Tuesday, Wednesday and Thursday of next week.

The President stated that following the custom of the United States Congress in having Washington's Farewell Address read on Washington's Birthday, he would request the Chairman of the Committee on Education, Senator Holmes, to read this Farewell Address on Wednesday.

Senator Holmes stated that she would accept the honor with pleasure.

The President stated: "The Rules Committee is merely a servant of the Senate, and we only made this recommendation."

### Guests

In the gallery, as the guests of Senator Holmes, the fourth grade of the Clark School, Amherst, N. H. with teachers Miss Boutelle and Mrs. Kittredge.

Guest of Senator Lamontagne, Miss Rita Beaudoin of Berlin, the future daughter-in-law of the Senator, who is majoring in nursing at the St. Louis School of Nursing, Berlin.

Guest of the entire Senate, former Senator Eda Martin of Littleton, now a member of the House.

The Honorable Arthur Rouilliard of Claremont, the guest of Senator Phillips.

Guest of Senator Holmes, Mr. Creeley S. Buchanan of Amherst.

Guest of Senator English, Deputy Insurance Commissioner, Simon Sheldon of Hancock.

Guests of Senator Dunlap, Simon Sheldon and a number of other gentlemen here who are interested in a bill that is being heard.

As guest of the Manchester Senatorial delegation, former Attorney General of New Hampshire, Mr. Ernest D'Amours of Manchester.

As guest of Senator Humphreys, former Representative William Mott of Newington.

The President recognized Senator Dunlap on a matter of personal privilege: "Mr. President, because I have learned of a very fine dedication in the Sunapee Park area, which is principally in District No. 9, and because I have heard from many constituents who attended from District No. 9, I wish to compliment the Senator from the 8th District, Senator Phillips, on the excellent and outstanding job which she did in representing the Governor at this function."

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be made in order at the present time.

### Afternoon Session

On motion of Senator Buckley, the Senate adjourned at 11:35 A.M.

THURSDAY, FEBRUARY 16, 1961

The Senate met according to adjournment.

### **Guests**

Guest of Senator Lamontagne, Mr. W. C. Brouillette, District Manager of National Federation of Independent Business (a non profit organization) of Berlin.

Guests of Senator Holmes, the 7th and 8th grades of the Amherst Brick School at Amherst.

Guest of Senator Buckley, Mrs. Louis Ainsworth of Deerfield.

Guests of Senator Eaton, former Senator Harold Kendall of Keene and Mr. Kenneth McClure of Munsonville, N. H.

### **House Message**

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 55, relating to the mental treatment of juveniles.

HB 78, to provide a penalty for obtaining telecommunications service fraudulently.

The Message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill sent down from the Honorable Senate:

SB 22, relating to eminent domain proceedings by housing authorities.

### **Read and Referred**

To the Committee on Judiciary:

HB 55, relating to the mental treatment of juveniles.

HB 78, to provide a penalty for obtaining telecommunications service fraudulently.

**Introduction, First & Second Reading of Senate Bills**

SB 52, relative to the licensing of dogs. (Bunten) To Agriculture.

SB 53, to correct the reference in the statutes to the state department of health laboratory. (Sawyer) To Public Health, Welfare & State Institutions.

SB 54, concerning benefits provided by fraternal benefit societies. (Provost) To Banks & Insurance.

SB 55, relative to trespassing on private roadways with a motor vehicle. (Holmes) To Judiciary.

SB 56, relative to motor vehicle fees. (Dunlap) To Ways & Means.

SB 57, extending the powers of the Maine-New Hampshire Interstate Bridge Authority. (Humphreys) To Public Works.

**Concurrent Resolution**

Senators Lamontagne, Drake and Monahan offered the following Concurrent Resolution:

*Whereas*, The year 1961 marks the centennial of the completion of the Mount Washington Carriage Road; and

*Whereas*, This unique eight-mile carriage and auto route to the top of our highest peak was built under charter granted by the General Court of New Hampshire on June 27, 1859; and

*Whereas*, A year-long series of events commemorating this anniversary has already started; now therefore be it

*Resolved*, That the New Hampshire General Court honor the foresight and industry of those pioneers who constructed the historic road to the summit of Mount Washington; and be it further

*Resolved*, That the General Court enthusiastically supports the current observance of the centennial anniversary of the Mount Washington Carriage Road.

On motion of Senator Monahan, the above Concurrent Resolution was unanimously adopted.

Senator Daniel, for the Senatorial Delegation from Manchester, offered the following Concurrent Resolution:

with respect to imposing quotas  
on textile imports.

*Whereas*, the textile industry is an important part in the economic life of New Hampshire; and

*Whereas*, foreign competition is one of the factors adversely affecting this industry and the economy of this state; and

*Whereas*, the United States Senate textile subcommittee has recently been holding hearings relative to this question; now, therefore be it

*Resolved*, that the general court of the state of New Hampshire requests its senatorial delegation to support and work for all possible and necessary legislation and regulations to control textile imports which are adversely affecting the textile industry in this country; and, be it further

*Resolved*, that the secretary of state transmit copies of this concurrent resolution to Senators Bridges and Norris Cotton of the Senate of the United States.

Senator Gardner spoke in support of the above Concurrent Resolution: "I have been gravely concerned over this situation for years. I believe that competition between goods from foreign countries and the United States is detrimental to the United States."

Senator Holmes spoke in support and cited the town of Wilton in her District as having been affected.

Senator Cleveland: "I have no objection to the Concurrent Resolution, but it would seem to me that they ought to send a copy to the President of the United States who is actually the person to fix the control of textile imports. Let's put the ball where it belongs."

Senator Caron: "I agree completely with Senator Cleveland. It would be a very good idea to send a copy of this Concurrent Resolution to the President of the United States. I offer an amendment to the Concurrent Resolution to add the name of the President of the United States to receive a copy."

Senator Buckley: "I am in support of the Resolution and also support what Senator Cleveland has said. These are all important factors to the people of New Hampshire."

Senator McMeekin: "I am in support of the Resolution with the amendment."

Senator Daniel spoke in support: "The main reason the Senatorial Delegation from Manchester is offering this Concurrent Resolution is due to the fact that the textile industry in New Hampshire is operating the best they know how. Orders are coming in very slowly, due to the fact that there are many foreign goods coming into the country. Labor is much cheaper there than here. I believe that the city of Manchester, and the rest of the cities and towns who have textile industry, wish to do something to protect those people who are employed in these mills. As you know, those people have families to support; they have taxes to pay; and first of all, they are Americans. I feel that it is the duty of this Senate to call attention to the Honorable Styles Bridges and Norris Cotton and the President of the United States to what is transpiring this day in the textile industry. If a man is laid off, who will help his family? He will receive unemployment compensation. He does not want this; he wants to work; to support his family; and he wants to meet his obligations. I hope that this Concurrent Resolution will pass the Senate and the House and be on its way to Washington as soon as possible, in order to relieve the present burden. Foreign goods can be manufactured much cheaper and sold much cheaper than ours, which means that our own people are laid off. After that, they have to become public charity. I am sure that the people will foresee that we must have enough integrity for our people in Washington to be aware of this situation in New Hampshire. Mr. President, I hope that this Resolution will pass the Senate and House."

Senator Cleveland presiding.

Senator Green: "I am very strongly in favor of this Resolution, coming from Manchester. Many years ago, it was the leader of practically the entire world in textiles. Now, after fifteen years, why take time to build up industry all over the world, in direct competition with our own industry. I concur with the amendment suggested that the fixing of imports is the responsibility of the President of the United States, so the Concurrent Resolution should not only be sent to our Senators in Washington, but it should go to the person who has direct control over imports from foreign countries. I hope that this will be the unanimous action of the entire Senate as this is one of

the industries that is suffering in New Hampshire. I am strongly in favor of the Resolution."

The Chair inquired: "Do you feel that it would be of any benefit to send copies of the Resolution to the Congressmen?"

Senator Green replied in the affirmative, stated that he was in favor of including in the amendment the names of our two Representatives in Congress as well as to the President.

Senator Holmes: "Having supported the original Resolution, I simply want to be recorded as supporting the amendment of Senator Caron and the other amendments which were made a part of the original Resolution."

Senator Battles: "Personal inquiry — may I offer an amendment?"

The Chair replied in the affirmative.

Senator Battles offered the following amendment to the Concurrent Resolution:

Insert the following paragraph before the first resolving clause:

*Whereas*, the Governor of New Hampshire, as chairman of the New England Governors' Conference, and all other New England Governors have been diligent in the effort to find a solution to this vital problem, now, therefore be it

Senator Battles spoke in support of the above amendment to the Concurrent Resolution: "I feel that in going along with this Concurrent Resolution, we should in some way, recognize the efforts which have been exerted on behalf of the textile industry by New Hampshire's Governor. In 1959, Governor Powell was elected Chairman of the sub committee to study this textile problem in New Hampshire. This committee met in Washington with the members of the Agriculture Committee and the Commerce Department. Last year, the Governor of New Hampshire was elected Chairman of the New England Governors Conference and he tells me that they are continuing their efforts. They have spoken with the President's office and they have urged that the tariffs be corrected. I think it would be fitting to recognize the Governor at this time."

Senator Gardner: "I wish to be recorded as being in favor

of all the amendments offered. The first time, I spoke before any amendments were offered."

Senator Daniel: "I have no objection to adding the name of the Governor. I know that he is doing all that he can possibly do to relieve this situation. The textile industry in New Hampshire today must rely on someone. It needs the support of the President of the United States, the Governor of this state, the Senatorial Delegation in Washington, who has done so much in the past and will do much more in the future, to relieve the present situation which is arising today. The time is now; the need is urgent for quick action if we do not want everybody in the textile mills to go on relief. I hope they will do something. I ask God to guide them so that everything possible will be done."

Senator Drake: "I am in business — I run a store here in New Hampshire. I will neither buy nor sell any foreign goods in my store. I have been criticized for doing this, but I feel that if the people do not buy any of these imported goods, they will solve their own problem."

Senator Monahan: "There is no Senatorial district where textile industry is not very important in one form or another. I support the Resolution and the amendments."

Senator Caron moved the previous question, seconded by Senator Lamontagne.

Question being: Shall the previous question now be put?

On a *viva voce* vote, the affirmative prevailed.

Question being on adoption of amendment offered by Senator Battles.

On a *viva voce* vote, the amendment was adopted.

Question being on adoption of amendment offered by Senator Green.

On a *viva voce* vote, the amendment was adopted.

Question being on adoption of amendment by Senator Caron.

On a *viva voce* vote, the amendment was adopted.

Question being on adoption of Concurrent Resolution as amended.



On a *viva voce* vote, the Concurrent Resolution as amended was unanimously adopted.

*Whereas*, the textile industry is an important part in the economic life of New Hampshire; and

*Whereas*, foreign competition is one of the factors adversely affecting this industry and the economy of this state; and

*Whereas*, the United States Senate textile subcommittee has recently been holding hearings relative to this question; and

*Whereas*, the Governor of New Hampshire, as chairman of the New England Governors' Conference, and all other New England Governors have been diligent in the effort to find a solution to this vital problem, now, therefore be it

*Resolved* that the General Court of the State of New Hampshire requests its congressional delegation to support and work for all possible and necessary legislation and regulations to control textile imports which are adversely affecting the textile industry in this country; and, be it further

*Resolved* that the Secretary of State transmit copies of this concurrent resolution to the President of the United States, Senators Styles Bridges and Norris Cotton of the Senate of the United States, and the Hon. Perkins Bass and the Hon. Chester Merrow.

Senator Green presiding.

### Committee Reports

Senator Phillips, for the Committee on Judiciary:

SB 44, relating to devises and bequests to trusts. Ought to pass.

Senator Cleveland: "This is rather a technical bill. This act adopts a uniform law relating to trusts which permits a person to leave property by will to a trust already in existence. This is probably legal now, but the bill makes it clear and avoids the risk of a court action to find out."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 61, changing the name of Union Insurance Company of America, Inc. Ought to pass.

Senator Cleveland: "All this bill did was to change the name of this Insurance Company by omitting two words. It had the approval of the Insurance Commissioner."

The bill was ordered to a third reading.

Senator Drake, for the Committee on Public Health, Welfare & State Institutions:

HB 5, relative to reports of inquests by medical referees. Ought to pass.

Senator Drake: "This is a very simple matter which merely changes the wording — changes the words 'county solicitor' to county attorney. No opposition."

The bill was ordered to a third reading.

Senator Cheney, for the Committee on Finance:

HJR 6, Joint Resolution for appropriation for carrying out provisions relative to regional agreements for educational facilities for New Hampshire residents. Ought to pass with amendment.

Amend said bill in the thirteenth line by inserting after the word governor, the words, and council; so that said bill as amended shall read as follows:

That there are hereby appropriated the sum of fifty thousand dollars for the fiscal year ending June 30, 1962, and a like sum for the fiscal year ending June 30, 1963, for the purpose of carrying out the provisions providing for extension of educational facilities for New Hampshire residents under regional agreements as executed and approved by the New England Board of Higher Education under the provisions of RSA 200-A (supp) as inserted by 1955, 232, and amended by 1959, 214:1. The New Hampshire members of the New England Board of Higher Education shall constitute a committee to administer and recommend the expenditure of these appropriations with regard to the number of students for which assistance shall be given and the amount of assistance to each student, subject to the approval of the governor and council. The sums hereby appropriated shall be a continuing appropriation and shall not lapse. The governor is authorized to draw his warrants for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

Senator Cheney: "The amendment simply adds the words 'and Council' after Governor."

Senator Dunnington spoke in favor of adoption of the Joint Resolution: "In my opinion, this Resolution offers a very reasonable and workable solution to a very serious problem which has for years faced our New Hampshire students who wanted to go to medical school, which is a very costly education. Over the past 50 years, we have had many medical schools discontinued. Today, it has reached a point where it is very hard for even a qualified student to get into medical school. This provides the contract whereby the Vermont medical school agrees to hold 20 places at \$2500 per student. This is a very reasonable price as compared to New Hampshire trying to build and maintain a New Hampshire school of medicine. Massachusetts has contracted for 70 places at the same price of \$2500 per student. The \$550 tuition is an inducement to get more young people into the medical profession. In New Hampshire, the total amount adds up to \$3,050. If a New Hampshire student is able to pay, they will pay the \$550 tuition."

Senator Holmes: "I would simply like to support the previous remarks and to say that I think this is a forward looking step to take. I hope the Senate will pass this Resolution."

Senator Sawyer: "The problem here is an effort to meet a condition which is rapidly approaching, but is not here yet, and that is the scarcity of doctors. Fifteen years ago, there were fifteen or twenty percent of the brightest students applying for admittance to medical school. There is now only one to one and one-half percent of the students applying. I suspect very strongly that the greater percentage of students are interested in electronics, etc. I rise in support of the Resolution and hope that it will pass."

Senator Humphreys: "I am certainly in agreement with the amendment and purposes of this bill, but I am opposed on the matter of general principle to making outright grants for such purposes as this. I believe that the proper way to help ambitious young people to attain an education would be more properly through loans. As a matter of general principle, I think it is all wrong to make downright gifts to people. After this education, they are able to earn good salaries, and could pay back money loaned to them. I think the principle is wrong.

The aims and purposes are right. I wish this made a matter of record."

Senator Sawyer: "I too support the feeling that we ought not to have grants and that perhaps it would be better to have loans. But thinking further, a student attending medical school — 4 years and then of course, he does not usually earn money right away. He goes into a hospital for one or two years as an intern — he may get married and have children. Then there would be two or three more years as hospital officer, etc. During this time, he is only going to be able to earn money to support his family, etc. . . . Of course, there has been a difference of opinion about this."

Senator Holmes: "I think that we should look at this as a matter of supporting better education. We thereby extend the curriculum of the University of New Hampshire to include something the University of Vermont has to offer—something that we want."

On a *viva voce* vote, the amendment was adopted.

The Joint Resolution as amended was ordered to a third reading.

Senator Sawyer, for the Committee on Executive Dept., Municipal & County Government:

SB 13, relative to variations in federal census figures for the apportionment of state representatives. Inexpedient to legislate.

Senator Humphreys: "This bill provides for the Planning & Development Commission to ascertain what number of non-residents were included in the federal census. Appropriation of \$5,000 was included in the bill to allow P & D to carry out the provisions of this act. The Committee was unanimous in reporting this bill as inexpedient. Mr. Hendrick of P & D appeared before the Committee and stated that the special appropriation of \$5,000 would be needed initially to set this up. After spending this money, I think it was generally agreed by almost everyone that we would not be likely to come up with accurate figures as to temporary residents because we have no set rule as to just what a temporary resident is. In that connection, the Attorney General two years ago in a request for information by certain members of the Legislature in regard

to attempting to adjust census figures — such procedure as proposed would not be accurate, and might well result in distortion. As a practical matter, it would present questions of serious complications.”

Senator McMeekin moved that the words, ought to pass, be substituted for the words, inexpedient to legislate and spoke in favor: “In the first place, I think most of you know that I am the Chairman of the Committee on Apportionment. A great deal of work must be done yet, but I would like to comment that any committee that bases its findings upon the amount of money involved is overstepping their authority. This will be decided by the Finance Committee. They will decide whether the amount of money involved is available.”

(Discussion ensued)

Senator Humuhreys: “Confirmation received from Mr. Hendrick of P & D was that the data available at the U. S. Bureau of the Census represents the available population counts by Census Enumeration Districts. The counts include civilians as well as members of the Armed forces. The counts should not be construed as including all Armed Force personnel “stationed” at the said bases. Such Armed Force personnel living in other enumeration districts (e.g. towns, etc.) has been counted with civilian population and are not easily identifiable. Such identification, ten months after the U. S. Census was taken on April 1, 1960, would be costly, require joint cooperation of the Armed Forces and the Bureau of the Census, and could likely be inconclusive due to the inability to match confidential census records with military records.”

Senator Cleveland spoke in support of the motion to substitute.

Senator Humphreys: “What is the underlying purpose of those who want this bill passed? It is to give certain communities in the State, which have had little or no increase in population during the past 10 years, a means to retain a disproportionate share of the 400 representative seats in the legislature, at the same time preventing certain communities that HAVE increased in population from getting the proportionate increased representation that should normally accrue to them.

“During the last legislative session, several State representatives realized that the 1960 Federal Census when taken, would

require a reapportionment of the Legislature and that their own communities would naturally be allotted a lesser proportionate share of the 400 seats in the legislature after 1961. How could they work out some way to avoid this, at least to some extent? First they asked the New Hampshire Attorney General if the Legislature could designate military installations within the State as unincorporated places. If this could be done, military personnel within the State might be segregated and not counted as inhabitants with rights of representation and to vote, even if otherwise qualified. They also asked if the New Hampshire Constitution would permit the State to take its own census in a limited number of places and use that census in connection with the Federal census for the purpose of apportionment of representatives among the towns and wards. In reply, the Attorney General gave them his written opinion that such a procedure as they proposed, would NOT be permissible 'as a matter of principle' since 'possible dealings in the method of developing data, might well result in distortion'; that it might result in exclusion of 'certain classes of persons'; that as a practical matter it would be subject to question; and would present a problem of 'huge proportions and large complications'. The Attorney General also suggested that 'if such a plan should be under consideration, an inquiry be addressed to the Supreme Court concerning its validity'. But they did NOT ask the Supreme Court for an opinion. Instead, they proposed a constitutional amendment to make legal the identical procedure which the Attorney General had, so emphatically, advised them would be impractical and would NOT be permissible as a matter of principle.

"We wonder why the Constitutional Convention passed such a radical proposal. ON THE SURFACE, it seemed to many to be a reasonable proposal to exclude 'nonresidents temporarily residing in the state' from being counted as inhabitants. Also, many delegates were absent, and many of those present knew little or nothing of the background of this loosely worded amendment, its ramifications and ultimate objective. There was so little interest in the proceedings that the Convention finally adjourned lacking a quorum, with only 198 present out of 420 total delegates, leaving 9 important resolutions unacted upon.

"For what other reasons should we vote 'NO' on this bill? Every person (civilian, military, student and other) who is in



this State on census day, regardless of how long he has been here or how long he may stay, is counted by the U. S. Census Bureau. They SHOULD be counted because there are an equal number (more or less) of New Hampshire military men, students and other civilians, who are absent from this State when the census is taken and who are therefore counted as inhabitants elsewhere. The U. S. Census Bureau knows from experience that their method is the most logical and practical way to take a census and that to attempt to differentiate between classes of inhabitants for census purposes, (or for representation purposes) by attempting to distinguish between temporary and permanent residents, on a fair basis, would be too complicated, costly, impractical and next to impossible. (The U. S. census is used also to allocate each state's representatives in Congress.)

"Every person who is counted in any census or is counted under any set of rules for the purpose of determining proportionate representation in any legislative body, is, in one sense, a temporary inhabitant. Those who do not move out, eventually die out. Estimated total attrition is about 20% every ten years. Normally new arrivals and births replace them. The turnover of military men and students is greater than other groups, nevertheless, those who go, are generally replaced by others, so that the total present is fairly constant, except for overall growth or decline. Therefore, to eliminate any class or group of people from a census, would be to produce grossly deflated false figures as to the number of inhabitants present at any particular time, and thus would result in distorted underrepresentation in certain communities. Considering all these facts, it is quite obvious that there is not, and will not be, any Solomon in the N. H. Legislature who can juggle the U. S. census figures so as to arrive at any closed approximation of the number of inhabitants in any town or ward at any particular time, or who could predict with any degree of accuracy, which civilians, military men or students who are residing in any particular community on any particular day, will be gone the next day, the next year, or in ten years, or which ones will be present for their lifetime. In a nutshell, who can say which people, in any particular category are permanent and which are temporary inhabitants. As the Attorney General stated, THAT would be a problem of 'huge proportions and large complications'.

"This bill is aimed primarily to permit discrimination

against military personnel and their families and students, but it could well result in discrimination against any other group or community.

"The population of New Hampshire by official count of the U. S. Census Bureau has increased between 1950 and 1960 by approximately 75,000 people. There is no fair reason whatever why the N. H. Legislature should attempt to classify these people or certain segments of them as 'non-residents temporarily residing in the State' in order to exclude them or part of them from being counted as inhabitants entitled to representation, and probably jeopardizing their rights to be or to become voting residents, if otherwise qualified. Hundreds of military personnel, and students are registered voters in this state. How ridiculous it is to propose that these people, although qualified to vote here, shall not be entitled to be represented in the legislature. This is a non-partisan question. I urge you to kill this bill."

Senator McMeekin requested a Division vote.

In view of the fact that there were several Senators absent from the Chamber who could not be located immediately, and on motion of Senator Caron, further discussion of the motion to substitute was made a Special order of Business for next Tuesday morning at 11:01 o'clock. (On this motion, Senator Humphreys requested a Division.)

Eighteen Seators having voted in the affirmative, the motion carried.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be made in order at the present time, and when the Senate adjourns today, it be to meet next Tuesday morning at 11 o'clock.

### Afternoon Session

#### Third Reading and Final Passage of Bills and Joint Resolution

SB 44, relating to devises and bequests to trusts.

HB 5, relative to reports of inquests by medical referees.

HB 61, changing the name of Union Insurance Company of America, Inc.



HJR 6, Joint Resolution for appropriation for carrying out provisions relative to regional agreement for educational facilities for New Hampshire residents.

Senator Lamontagne: "Special privilege. This morning we have passed a Concurrent Resolution in regard to the textile situation. I just want to rise and state that when the President of the United States wanted to send the Secretary of Labor to Portsmouth, this offer was turned down by the City Council. I think if the President of the United States wishes to send the Secretary of Labor to any part of the State of New Hampshire, he should be recognized and the courtesy granted. We would be happy to have the Secretary of Labor come to Berlin. I think it would be of benefit for him to come to any part of the State to help these people who are unemployed."

Senator Humphreys: "I do not know the reason for the City Council of Portsmouth turning down this offer. I understand that it was simply a motion of a Councilman. I think the City Council of Portsmouth is able to decide for themselves without the advice of any other Council or Mayor in any city in the state."

The President spoke about the matter of the Senate convening at 9 o'clock on Wednesday, Washington's Birthday, next week.

(Discussion ensued)

On motion of Senator Dunnington, the State adjourned at 12:58 o'clock.

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TUESDAY, FEBRUARY 21, 1961

The Senate met according to adjournment.

### Guests

Senator Paquette, former Hillsborough County Chairman George J. O'Neil of Nashua.

Senator Monahan, his wife and daughter, Linda, of Hanover.

Senator Lamontagne, members of the Berlin Police Department: Chief H. Olson; Asst. Marshal Al Landry; Sgt. Gauthin; and Patrolmen A. Duguay, A. Migetz, Devold, Vallis, Litvin, Dechamplain and Chief of Auxiliary Police, W. Green.

Senator Holmes, Mr. Peter Joyce, student at Nashua Junior High School and Master Alexander Buchanan of Amherst.

Senator Lamontagne and Manchester Senators, Mrs. Simone Boisvert, Sisters M. Suzanne and M. Girard, order of Holy Cross, and Miss Benita Boisvert.

Senator Caron, Mr. Theodore Bevan of Manchester.

Senator Phillips, former Senator Margaret B. DeLude of Unity and members of the Sullivan County Republican Youth Organization.

Senator Provost, Marc Keroack and Leo LeMire.

Senator English, Mr. Ray W. Smith of Dublin.

Guest of the entire Senate, former Speaker of the House of Representatives and President of the Constitution Convention, Attorney J. Walker Wiggin, Manchester.

Senator Dunlap, his Mother, Mrs. Clifton Dunlap, and his wife, Mrs. Shirley Dunlap.

Senator Dunlap, member of the House from Canterbury, Mr. William Asby.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of Honorable Senate:

HB 126, authorizing selectmen and city councils to lay out limited access highways.

HB 133, relative to certain deposit accounts in savings banks.

HB 177, legalizing the biennial election of 1960 in the town of New Ipswich.

### **Read and Referred**

To the Committee on Public Works:

HB 126, authorizing selectmen and city councils to lay out limited access highways.

To the Committee on Banks & Insurance:

HB 133, relative to certain deposit accounts in savings banks.

To the Committee on Judiciary:

HB 177, legalizing the biennial election of 1960 in the town of New Ipswich.

### **Introduction, First & Second Reading of Senate Bill**

SB 58, relative to permission to towns to appropriate money for payment of association dues. (Dunlap, McMeekin, Phillips, Bunten and Cleveland) To the Committee on Judiciary.

### **Committee Reports**

Senator Bunten, for the Committee on Ways & Means: SB 46, relative to assessment of taxes. Ought to pass.

Senator McMeekin: "Mr. President, this is the jeopardy assessment on real estate. The law now provides for it on personal property, but not on real estate. This is desired by the Tax Commission so that the towns may be able to collect taxes that might otherwise be evaded."

The bill was ordered to a third reading.

Senator Bunten, for the Committee on Ways & Means: SB 43, relative to overpayment of income taxes. Ought to pass.

Senator Drake: "Mr. President, this is a department sponsored bill. The commission wants authority to credit against the next year's taxes small amounts of taxes that have been received in overpayment. The amounts vary from 8c to perhaps \$10, \$12 or \$13. Presently, they are required by law to make repayment. They would request permission to credit the amount rather than repayment of same, to do away with a great deal of bookkeeping."

The bill was ordered to a third reading.

Senator Bunten, for the Committee on Ways & Means: SB 30, relative to qualifications for the serving of liquor or beverages. Ought to pass with amendment.

Amend said bill by striking out section 2 and inserting in place thereof the following:

2 Takes Effect. This act shall take effect upon its passage.

Senator Eaton: "Mr. President, the amendment changes the takes effect clause to take effect upon its passage. The present law reads that no person except a citizen of the United States shall sell or dispense liquor. This bill was adopted in 1934 shortly after Prohibition as I understand it, at the time when trucks carrying liquor were coming from across the border and were driven by aliens. This bill was passed to close a loophole in the law. Today, this is no longer needed. It was the unanimous vote of the committee that the bill as amended ought to pass."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Bunten, for the Committee on Ways & Means: SB 40, exempting state-owned motor vehicles from payment of motor vehicle road toll. Inexpedient to legislate.

Senator McMeekin: "Mr. President, this was a bill which was to pay back to the state for state-owned cars the amount of money that they paid for gas tax. Representative of the highway department appeared and after listening to his explanation of the bill, it was voted to report the bill as inexpedient to legislate. The highway department pays rent to the state of New Hampshire for space in the annex, some \$6,000. It is the only department that now does pay rent. Some years ago, I heard the Commissioner then, General Merrill, say 'we have already bought this annex, probably the highway department can buy another building for the state.' "

On a *viva voce* vote, the recommendation of the Committee, Inexpedient to Legislate, was adopted.

Senator Phillips, for the Committee on Judiciary: HB 54, designating the house of correction in Rockingham county as a jail. Ought to pass.

Senator Cleveland: "This is a relatively inconsequential bill and it adds the name of Rockingham to the law that also applies to Strafford and some other counties. It gives permission to send a person to the Rockingham County Farm which has not as yet been designated as a jail. No opposition and it was supported by the County delegation."

Senator Battles: "Mr. President, this bill would save the county of Rockingham a good deal of money, perhaps as much as \$10,000. In Rockingham county, they are very much in favor of changing the name from the Rockingham County Farm to Rockingham County Jail."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary: HB 83, relative to the salary of the justice of the Concord municipal court. Ought to pass.

Senator Cleveland: "Mr. President, this bill would raise the salary of the municipal judge here in Concord from \$3,500 to \$4,000. Upon hearing, it appeared that this was a modest request. The Concord delegation approved of this."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary: HB 84, relative to the salary of the special justice of the Concord municipal Court. Ought to pass.

Senator Cleveland: "This is a companion bill to the one above. It provides an increase for the special justice of the Concord municipal court, from \$1,000 to \$1,200."

The bill was ordered to a third reading.

Senator Dunnington, for the Committee on Fisheries & Game: SB 29, relating to authority of the fish and game director to control porcupines in remote areas. Ought to pass with amendment.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Exemption Authorized. Amend RSA 572:40 by inserting at the end thereof the following: Provided, however, that the provisions of this section shall not apply to the use of sodium arsenite or other toxic material by the director of fish and

game or his agents or the state forester or his agents in eliminating or controlling porcupines in remote areas, but provided that before such sodium arsenite or other toxic material is exposed on privately owned property, the director of fish and game or the state forester shall obtain the permission of the owner of such property or his agent, so that said section as amended shall read as follows: 572:40 Exposing Poison. If any person shall in any way or place wilfully expose an active poison for the destruction of any animal, or for any other purpose except the destruction of rats or other vermin in his own buildings or upon his crops, he shall be fined not more than fifty dollars, or imprisoned not more than six months, or both. Provided, however, that the provisions of this section shall not apply to the use of sodium arsenite or other toxic material by the director of fish and game or his agents or the state forester or his agents in eliminating or controlling porcupines in remote areas, but provided that before such sodium arsenite or other toxic material is exposed on privately owned property, the director of fish and game or the state forester shall obtain the permission of the owner of such property or his agent.

2 Takes Effect. This act shall take effect sixty days after its passage.

On motion of Senator Drake, the reading of the amendment was dispensed with and he explained: "Mr. President, the amendment does nothing but add to the original bill the matter of 'forester and agents' be included with the director of fish and game and the permission of the landowner or his agent. That is all the amendment does. There was a great emotional reaction on the use of poison in any form. Evidence shows that of the 35 people attending, only two spoke in opposition. This bill is an authorization bill and not a mandate. It authorizes under conditions where this type of action is needed. Vermont has had this law on the books since 1959; not too conclusive, but it has made a good showing there. As we all know, a great deal of damage has been done by porcupines; destruction of apple orchards, etc. This method follows 40 years of experimentation. Porcupines den up in late winter and this would be the only time of the year that this type of poison would be used. Poison would be put in the apples, these would then be pushed back into the den and the opening covered by snow. I think that it would not cause any danger to the public health to use this procedure."

Senator Holmes inquired of Senator Drake: "The permission of the land owners would have to be obtained?"

Senator Drake replied in the affirmative.

Senator Lamontagne inquired of Senator Drake: "Is this dangerous to other animals?"

Senator Drake replied that there were no secondary effects of poison.

Senator Sawyer spoke in support of the amendment and the bill: "The testimony was to the effect that a red squirrel and one other animal had died, but very rarely other animals. By the time the snow would have melted, the apple with the poison would have disintegrated. No hazard to children or other animals, that was testified by people trained in this procedure."

Senator Monahan: "Mr. President, I wish to express my thanks to Senator Drake for the very fine explanation of the amendment. If the Senate approves this amendment and bill and it is referred to the House, I have arranged for a well known representative of fish and game to appear. In Vermont, they have had the same problem. This method has been tried and proven there."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

SB 22, relating to eminent domain proceedings by housing authorities.

HB 5, relative to reports of inquests by medical referees.

HB 39, providing for forfeiture of fish or wild animals illegally imported into this state.

HB 44, relative to forfeiture of fish and game not legally possessed.

HB 61, changing the name of Union Insurance Company of America, Inc.

Marion L. Phillips  
For the Committee



**Special Order of Business at 11:01**

Senator McMeekin called for the Special Order of Business.

Question being on the motion of Senator McMeekin to substitute the words, Ought to pass, for the recommendation of the Committee, Inexpedient to Legislate. SB 13, relative to variations in federal census figures for the apportionment of state representatives.

Senator McMeekin: "Mr. President, I do not wish to take much time or add much more to what I said last Thursday. I do not wish to discriminate against towns and cities, but to add protection to those cities and towns that do have a legitimate increase. If this motion is passed today, the bill will then go to the Finance Committee to determine the amount of money and further consideration given to the provisions of the bill. I would hope that the Senate would vote yes on this motion so that this bill may be referred to Finance."

Senator Humphreys: "Mr. President, I think I said all I had to say about why our Committee recommended this bill as inexpedient to legislate. In accordance with information received from Paul Hendrick of Planning & Development, a careful check must be made to determine if said college students or military personnel were bonafide New Hampshire residents and where they may have exercised the prerogatives of local citizens as of and up to April 1, 1960. Citizens prerogatives, which might be exercised by 'temporary residents', could include for example: payment of a head tax and poll tax; securing of a driver's license; registration of a motor vehicle; purchase of a resident hunting and/or fishing license; participation in a town meeting or city election, and other manifestations of the rights of a resident citizen. It would be my recommendation in view of the complexity of this problem, that if the Planning & Development Commission were assigned this task by the Legislature, the Research Division be authorized to (1) engage the services of an independent out-of-state consultant and (2) to negotiate if possible a contract with the United States Bureau of the Census, Washington for the Bureau of the Census to make a special study using 1960 U. S. Census of Population confidential records as a basis for their findings. The report of the consultant and the U. S. Bureau of the Census would be made to the Legislative Committee on



reapportionment. Their findings must be compatible with the constitutional amendment and the statutes enacted by the General Court. A special appropriation of \$5,000 would be needed initially to cover costs of the consultants, analysts, field survey interviewer costs, United States Bureau of Census contracts and other bonafide expenses. Hundred of military personnel who live at Pease Air Force Base are registered voters in the city of Portsmouth and it would seem ridiculous to allow them under the law to vote and yet deny them representation. This, in effect, would be turning over to the executive department a proper function of the legislature. Relative to the statement made by the Senator that a committee would be overstepping its authority in considering the money involved, I would say that all parts of any bill referred to a committee should be considered by that committee, money involved or any other section. Finally, there is no specific standard existing as to what a temporary non-resident is. Each case has to be decided on its own merits generally on the basis of several factors."

Senator Dunlap: "Mr. President, I am in support of the motion made by Senator McMeekin. In years passed, this body has considered, and I think rightfully so, the responsibility that the Senate has to redistrict. In some cases, the proposition has not been successful. I think that Senator McMeekin as Chairman of the reapportionment in the House has a responsibility. This bill, as has been well pointed out, will then go to the Finance Committee. At that point, it would seem that the Finance Committee could delete or increase the cost. This would give this second committee an opportunity to see if there is any need. If we kill the bill, there is no opportunity to procede. I am in favor of the motion to substitute."

Senator Phillips: "Mr. President, for 20 years I have been home service chairman of the Red Cross in Claremont. I have been privileged to work with servicemen and their dependents. It has been an increasing problem to find out where they maintained residence. It would seem in all fairness and equity if his place of residence is established at some permanent point and kept there. It is not just the question of where he votes, but in many cases it involves support measures. I would think that the service man should have the privilege of voting; in the national elections, he certainly always has his absentee ballot."

Senator Monahan: "Mr. President: I appreciate the motion of Thursday last by the Senator from the 17th District to postpone until today voting upon Senate Bill 13 authorizing variations in federal census figures for the apportionment of state Representatives.

"The weekend provided a needed opportunity to review this troublesome question. It has many ramifications — some not yet foreseen, as the Senator from the 24th District explained in last Thursday's debate.

"I happen to live in a town that would probably lose one of its four seats, if this bill is passed. But I also represent three city wards and eighteen towns, thirteen of whom would not qualify for full-time representation.

"Although the one seat Hanover might lose and the very few others involved at such places as Durham, Newington, Portsmouth and Manchester would help very little to assure more seats from the small towns, they are certainly entitled to maximum authorized representation.

"Assuming the Reapportionment Committee feels it can correctly and fairly eliminate non-resident military personnel, which sparked this issue, and assuming it will also consider non-residents of the state temporarily residing in such institutions as here at Concord, I would support the pending substitute "ought to pass" motion.

"If I could be assured of those assumptions, I would probably vote for the bill, but still with reservations, because we would authorize a very touchy manipulation of Federal census figures.

"The Committee is confronted with an extremely complex task. As but one example, what other homes have married students than where they reside nine or more months a year? Are we going to disfranchise them entirely?

"The Senate should deliberate this question very carefully before reaching its decision."

(Discussion ensued)

Question being on motion of Senator McMeekin that the words, Ought to pass, be substituted for the recommendation of the Committee, Inexpedient to legislate.

On this motion, Senator Humphreys demanded a Roll Call.

The Clerk proceeded to call the Roll.

The following named Senators voted in the affirmative: Drake, McMeekin, Sawyer, Monahan, Gardner, Cleveland, Phillips, Dunlap, Eaton, English, Holmes, Paquette, Bunten, Cheney, Provost, Daniel and Bergeron.

The following named Senators voted in the negative: Lamontagne, Caron, Dunnington, Buckley, Battles and Humphreys.

Seventeen Senators having voted in the affirmative, and six Senators having voted in the negative, the affirmative prevailed, and the motion to substitute carried.

The bill was referred to the Committee on Finance.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time.

### **Afternoon Session**

#### **Third Reading and Final Passage of Bills**

SB 29, relating to authority of the fish and game director to control porcupines in remote areas.

SB 30, relative to qualifications for the serving of liquor or beverages.

SB 43, relative to overpayment of income taxes.

SB 46, relative to assessment of taxes.

HB 54, designating the house of correction in Rockingham county as a jail.

HB 83, relative to the salary of the justice of the Concord municipal court.

HB 84, relative to the salary of the special justice of the Concord municipal court.

### **Announcement**

The President made the following announcement: "I understand from the newspapers that some of the children of

Concord are planning to be here tomorrow to listen to the Washington Farewell address. The House is planning to come in at 9 o'clock. I do think out of deference to the people that 11 o'clock is more convenient for them. The motion to adjourn is in order. To adjourn until 9 o'clock tomorrow requires suspension of the rules. The usual motion will mean that we will meet at 11 o'clock as usual."

On motion of Senator Battles, the Senate adjourned at 12:17 o'clock.

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WEDNESDAY, FEBRUARY 22, 1961

The Senate met according to adjournment.

Prayer was offered by the Chaplain as follows:

"Labour to keep alive in your breast that little spark of celestial fire,—conscience." This we find in George Washington's schoolboy copy-book. It was of conscience that the prophets of old did speak. It was in the cause of conscience that religious and patriotic martyrs gave their lives in years past that the light of the world might be seen and that men might walk in the footsteps of God.

It mattered, but it mattered not enough that thereby popularity and possessions must be jeopardized. It mattered most that they did what they must, though they stood alone.

We pray that we may have the courage of our own convictions in our hours of decision-making.

Amen.

At the request of the President, Senator McMeekin led the Senate in the Pledge of Allegiance to the Flag.

### Guests

Guests of Senator Gardner: Speaker of the House, Stewart Lamprey, and the following delegation from Moultonborough: Winthrop M. Sears, Jack Clark, Mauritz Bergzren, Albert Rockefeller, Forrest Thompson, Mrs. Harvey Moulton, Miss

Ethel Smith, Mrs. Forrest Thompson, Mrs. Jack Clark, Mrs. Albert Rockefeller, Mrs. Mauritz Bergzren, Mrs. Helen Matthews, Miss Edith Sturtevant, Mrs. Frank Jones, Mrs. Ernest Valliere, Mrs. Lawrence Cone, Mrs. Ceasere Vappi, Mrs. Nellie Wiggin and Mrs. Senesa Jones.

Guest of Senator Dunlap: his son, Master William H. Dunlap.

Guest of Senator Sawyer: Mr. Jack E. C. Clark.

The President called upon Senator Holmes to read some excerpts from Washington's Farewell Address which were read to the House of Representatives on September 19, 1796:

"With the permission of the Senate President I have chosen excerpts from Washington's Farewell Address because the entire address is sixteen pages long and the principal points can be emphasized through these selections.

Friends and Fellow-Citizens:

The period for a new election of a Citizen, to administer the Executive Government of the United States, being not far distant, and the time actually arrived when your thoughts must be employed in designating the person, who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation, which binds a dutiful citizen to his country—and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

In looking forward to the moment, which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude, which I owe to my beloved country—for the many honors it has conferred upon me; still more for the stedfast con-

fidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal.

Here, perhaps, I ought to stop.—But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments; which are the result of much reflection, of no inconsiderable observation and which appear to me all important to the permanency of your felicity as a People.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.—

The Unity of Government, which constitutes you one people, is also now dear to you.—It is justly so; for it is a main Pillar in the Edifice of your real independence; the support of your tranquillity at home; your peace abroad; of your safety; of your prosperity in every shape; of that very Liberty, which you so highly prize.

Citizens by birth or choice of a common country, that country has a right to concentrate your affections.—The name of American, which belongs to you, in your national capacity, must always exalt the just pride of Patriotism, more than any appellation derived from local discriminations.

To the efficacy and permanency of your Union, a Government for the whole is indispensable.—No alliances, however strict between the parts can be an adequate substitute.—They must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a Constitution of Government better calculated than your former for an intimate Union, and for the efficacious management of your common concerns.—This government, the offspring of our own choice uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy and containing within itself a provision for its own amendment, has a just claim to your

confidence and your support.—Respect for its authority, compliance with its Laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true Liberty.—The basis of our political systems is the right of the people to make and to alter their Constitutions of Government.—But the Constitution which at any time exists, 'till changed by an explicit and authentic act of the whole People, is sacredly obligatory upon all.—The very idea of the power and the right of the People to establish Government presupposes the duty of every individual to obey the established Government.

Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest Guardian.—It is, indeed, little else than a name, where the Government is too feeble to withstand the enterprise of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the State, with particular reference to the founding of them on Geographical discriminations.

There is an opinion, that parties in free countries are useful checks upon the Administration of the Government, and serve to keep alive the spirit of Liberty.—This within certain limits is probably true—and in Governments of a Monarchical cast, Patriotism may look with indulgence, if not with favor, upon the spirit of party.—But in those of the popular character, in Governments purely elective, it is a spirit not to be encouraged.—From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose,—and there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it.—A fire not to be quenched; it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres; avoiding in the exercise of the powers of one department to encroach upon another.—If, in the opinion of the People, the distribution or modification of the Constitutional powers be in any particular wrong, let it be correct-



ed by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed.—The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.—

Of all the dispositions and habits, which lead to political prosperity, Religion, and Morality are indispensable supports.

'Tis substantially true, that virtue or morality is a necessary spring of popular government.—The rule indeed extends with more or less force to every species of Free Government.—Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?—

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit.—One method of preserving it is, to use it as sparingly as possible:—avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it—avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of Peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burthen which we ourselves ought to bear. The execution of these maxims belongs to your Representatives, but it is necessary that public opinion should co-operate.—To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be Revenue—that to have Revenue there must be taxes—that no taxes can be devised, which are not more or less inconvenient and unpleasant—that the intrinsic embarrassment, inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining Revenue, which the public exigencies may at any time dictate.—



Observe good faith and justice towards all Nations. Cultivate peace and harmony with all.—

Excessive partiality for one foreign nation, and excessive dislike of another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real Patriots, who may resist the intrigues of the favourite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.—

'Tis our true policy to steer clear of permanent alliances, with any portion of the foreign world;—so far, I mean, as we are now at liberty to do it;—for let me not be understood as capable of patronizing infidelity to existing engagements. (I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy.)—I repeat it therefore let those engagements be observed in their genuine sense.—But in my opinion it is unnecessary and would be unwise to extend them.—

In offering to you, my Countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression, I could wish,—that they will controul the usual current of the passions, or prevent our Nation from running the course which has hitherto marked the destiny of Nations. But if I may even flatter myself, that they may be productive of some partial benefit; some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism, this hope will be a full recompense for the solicitude for your welfare, by which they have been dictated.—

Though, in reviewing the incidents of my Administration, I am unconscious of intentional error—I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors.—Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend.—I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man, who views in it the native soil of himself and his progenitors for several generations;—I anticipate with pleasing expectation that retreat, in which I promise myself to realize, without allow, the sweet enjoyment of partaking in the midst of my fellow-citizens, the benign influence of good Laws under a free Government, the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.”

The President extended to Senator Holmes his sincere thanks in reading the above excerpts and stated that he hoped the words of Washington would be a guide to the Senate.

The President expressed his thanks and appreciation to Senator Gardner for the flowers on the rostrum this morning on the anniversary of Washington’s Birthday.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HB 1, relative to state advertising.

HB 14, relative to disposal of papers belonging to the department of public works and highways.

HB 34, providing for the publication of the commercial code as a part of the Revised Statutes.

HB 79, relative to pari mutuel pools at horse races.

HB 103, naming the Walter Swett Memorial Drive.

HB 113, relative to the operation of the Forest Hills Hotel in Franconia by the trustees of the University of New Hampshire.

HB 114, providing additional retirement allowances for certain retired teachers.

HB 122, relating to the protection of public water sources.

HB 152, relative to collection of taxes on real estate when such sale is of less than the whole estate.

HJR 4, relative to funds for the Eastern New Hampshire Turnpike.

The Message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 12, relative to the classification of a highway in the city of Lebanon.

SB 20, relative to liability for support in certain cases.

The Message further stated that the House of Representatives has voted to non concur with the Honorable Senate in the passage of the following captioned Joint Resolution, sent down from the Honorable Senate and asks for a Committee of Conference:

HJR 6, Joint Resolution for appropriation for carrying out provisions relative to regional agreements for educational facilities for New Hampshire residents.

The Speaker has appointed as members on the part of the House, Clement of Rochester, Mrs. Frizzell of Charlestown and King of Manchester.

On motion of Senator Cheney, the Senate voted to accede to the House of Representatives for a Committee of Conference on the above entitled bill.

Pursuant to the above, the President appointed as members of such Committee on the part of the Senate, Senators Humphreys and Provost.

The President stated that he hoped the members of the Committee of Conference might meet this afternoon, if possible.

### **Read and Referred**

To the Committee on Finance:

HB 1, relative to state advertising.

HB 34, providing for the publication of the commercial code as a part of the Revised Statutes.

HB 114, providing additional retirement allowances for certain retired teachers.

HJR 4, relative to funds for the Eastern New Hampshire Turnpike.

To the Committee on Public Works:

HB 14, relative to disposal of papers belonging to the department of public works and highways.

HB 103, naming the Walter Swett Memorial Drive.

To the Committee on Ways & Means:

HB 79, relative to pari mutuel pools at horse races.

HB 113, relative to the operation of the Forest Hills Hotel in Franconia by the trustees of the University of New Hampshire.

HB 152, relative to collection of taxes on real estate when such sale is of less than the whole estate.

To the Committee on Public Health:

HB 122, relating to the protection of public water sources.

### **Introduction, First & Second Reading of Senate Joint Resolution**

SJR 3, to provide for the appointment of an interim commission on education to study the organization of school districts and the higher educational facilities in the state. (Senators Holmes, Eaton and Bergeron) To the Committee on Education.

### **Announcement**

The President made the following announcement: "Effective immediately, telephone and elevator service and the first aid room will stay in operation until 6 o'clock and later if necessary, and upon the request of any Committee Chairman. Any Committee Chairman, by request to the Clerk, one attache will be present to carry out any wishes of the Senate."

Senator Drake presiding.

The Chair recognized Senator Green: "Senator Eaton is not here, but I am sure that he would wish to propose the fol-

lowing Resolution, and I am proposing it on behalf of the Senator from the 10th District:

*Whereas*, James E. McCullough of Keene has passed away, and

*Whereas*, he served as Member of the House of Representatives from Keene in the 1955-57-59-61 sessions, therefore be it

*Resolved*, That we, the members of the Honorable Senate of the General Court of New Hampshire, hereby pay tribute to the former House member for his services to his city, state and the general public, and extend our sympathy to his family in its bereavement, and be it further

*Resolved*, That the Clerk of the Senate transmit to his family a copy of these Resolutions.

Senator Green: "On behalf of that motion, I think that quite a few of the Senators present knew Jim McCullough. I have had occasion to know him and have worked with him in the House. There never was a more sincere and dedicated member to act for or against a bill. The problems of the finances of the State were his. He believed in a sound economy and I believe we have him to thank for his good judgment in handling many financial matters. I think it is a small part as one member of the Senate, and I feel that we should stand unanimously on that Resolution. His wife died a month ago and I know, that in talking with Jim since that time, how he felt. Words seem so inadequate; we all know the swell job that he did. I ask for a rising vote.

On a rising vote, the above Resolution was unanimously adopted.

Senator Green presiding.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time.

### Afternoon Session

On motion of Senator Battles, the Senate adjourned at 11:38 A.M. in memory of the Honorable James E. McCullough.

THURSDAY, FEBRUARY 23, 1961

The Senate met according to adjournment.

Senator English presiding as acting President.

### Guests

Guests of Senator Phillips: Lloyd, Terry and Robert Wood of Tuftonboro, N. H., grandsons of Senator Phillips.

Guests of Senator Holmes: Miss Polly Maynard and Miss Peggy Willard, students at Appleton Academy, New Ipswich. Miss Willard is a niece of Representative Herbert Willard of Temple.

Guest of Senator English: Mrs. Daisy F. Chase of Hancock.

### Introduction, First & Second Reading of Senate Bills

SB 59, relative to affidavits to be signed by candidates for the office of state senator or representative. (Holmes) To Committee on Judiciary.

SB 60, increasing the salary of the clerk of the Portsmouth municipal court. (Humphreys) to Committee on Judiciary.

SB 61, relative to town appropriations under the municipal budget law. (Buckley) To Committee on Judiciary.

SB 62, relative to information reports from so-called small business corporations. (Humphreys) To Committee on Judiciary.

SB 63, providing for the registration of electricians. (Cheney) To Committee on Labor.

SB 64, relative to the compensation of Cheshire County commissioners. (Eaton) To Committee on Ways & Means.

### Committee Reports

Senator Monahan, for the Committee on Education: SB 19, relative to a school of business at the University of New Hampshire. Ought to pass.

Senator Holmes: "Mr. President, this bill would create a School of Business and Economics at the University of New

Hampshire. This would be the first school to be created in 50 years at the University. There is great demand for a bachelor's degree with major in this field. Courses are now given under Dean of Liberal Arts. The present Department would become the School. The bill also changes designations of other colleges; College of Arts and Sciences to be called College of Liberal Arts, and the College of Engineering or Technology to College of Technology. The President of the University and other officials appeared in favor of the bill. There was no opposition."

Senator Dunlap: "I introduced this bill and I am very unhappy to report that I did not attend the hearing and for that reason, I would just like to say that this would be a very important step. The University of New Hampshire has rendered an excellent course in Business Administration. It would, of course, continue and would cover all the subjects now covered. This would promote new Chairs, possibly in Insurance and Banking. This will all tend to build the University into a greater position of greatness than it now enjoys."

Senator Battles inquired of Senator Holmes: "Is this going to make it any more expensive?"

Senator Holmes replied: "We discussed this and I think there is no doubt but what there will be an increase in the salary for the head of the School. This is not provided for in this bill, but is provided for in the budget. At the present, that would be the only expense. I would hesitate to say to you that there never will be any new expenses."

The bill was ordered to a third reading.

Senator English, for the Committee on Labor: HB 146, to amend the charter of the city of Keene. Ought to pass.

Senator Phillips: "Mr. President, this bill has been accepted by the Keene delegation. As we understood the bill, it was more or less just to permit the supervisors of each ward to have a little more authority in their own ward and not as much in the city at large. No opposition to the bill. For further information, I would refer to Senator Eaton."

Senator Eaton: "No problem on this. This was the bill sent in by the Mayor of Keene after due acknowledgment to the City Council, that I objected to at the time because it had



not gone through the Representatives or Senator. It is a book-keeping bill; permits supervisors working in their own ward and not in other wards. It is a non controversial bill and there was no opposition."

The bill was ordered to a third reading.

Senator Lamontagne, for the Committee on Military & Veterans Affairs: HB 21, regulating the practice of professional engineers. Ought to pass.

Senator McMeekin: "Mr. President, this bill is a bill entered by the professional engineers. It makes it possible for an engineer who has started his training in New Hampshire, but who has left the state, and completed his training in another state, to then return to the state and make application to become registered, here. This will make it possible for him to file an application in New Hampshire. It would also bring him under the same regulations as they have now. If they have a grievance, they may appeal to the Board and then appeal it to the court."

The bill was ordered to a third reading.

Senator Eaton, for the Committee on Ways & Means: SB 47, relative to taxation of road building or construction equipment to be used for a temporary purpose. Ought to pass.

Senator Eaton: "Mr. President, this bill was submitted at the request of the Tax Commission. The present law is inequitable, unfair and imposes an undue burden on an owner of specialized or heavy equipment who brings such equipment into this state, or any township, for a temporary purpose; e.g., a road contractor hires a \$50,000 or \$100,000 crane for purpose of hoisting bridge trusses for perhaps two days' work. Under the present law, and under an average tax rate, the owner of this special equipment could conceivably pay tax on his equipment in the sum of thousands of dollars, and of course, the tax paid could equally run in excess of the rental received for his machinery. This new measure sets a fee of \$10 a day for a maximum of ten days. If this specialized, heavy equipment is in a township over ten days, regular taxing procedure applies; if less than 10 days, rebate. As a safeguard, this measure imposes a penalty for noncompliance; i.e., property that escapes taxation after notification to the owner may be taxed for a full



year. It is a good measure and satisfies the taxpayer, selectmen and Tax Commission. No opposition."

The bill was ordered to a third reading.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills:

HB 54, designating the house of correction in Rockingham County as a jail.

HB 83, relative to the salary of the justice of the Concord municipal court.

HB 84, relative to the salary of the special justice of the Concord municipal court.

SB 12, relative to classification of a highway in the city of Lebanon.

SB 20, relative to liability for support in certain cases.

Robert S. Monahan  
For the Committee

### **Order Vacated**

The President recognized Senator Holmes: "Mr. President, I would move that the order whereby SJR 3, to provide for the appointment of an interim commission on education to study the organization of school districts and the higher educational facilities in the state, was referred to the Committee on Education be vacated and that SJR 3 be referred to the Joint Committee of Education and Finance. Before this Resolution came in, it was my understanding with the President that this would be referred to the Joint Committee. He said that it was perfectly all right if the Finance Chairman was agreeable, and the Finance Chairman said he had been expecting it anyway."

On a *viva voce* vote, the motion to vacate carried.

On motion of Senator McMeekin, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be made in order at the present time, and when the Senate adjourns today, it be to meet next Tuesday morning at 11 o'clock.

**Afternoon Session****Third Reading and Final Passage of Bills**

SB 19, relative to a school of business at the University of New Hampshire.

SB 47, relative to taxation of road building or construction equipment to be used for a temporary purpose.

HB 21, regulating the practice of professional engineers.

HB 146, to amend the charter of the city of Keene.

On motion of Senator Daniel, the Senate adjourned at 11:32 A.M.

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TUESDAY, FEBRUARY 28, 1961

The Senate met according to adjournment.

**Guests**

Guests of Senator Buckley, Representative Marjorie Roulston of Salem, Mrs. Furneaux and Mrs. Mason.

**House Message**

Mr. President:

The House of Representatives has passed the following entitled bills and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HB 15, relative to transportation of cylinders of liquefied petroleum gas.

HB 67, relative to taking beaver by the use of traps.

HB 128, establishing the unauthorized insurers false advertising process act.

HB 137, extending the time during which an act relative to a certain bridge over the Merrimack river shall be effective.

HJR 5, in favor of Harry L. Hurlbert.

The Message further stated that the House of Representatives has voted to concur with the Honorable Senate in the following Concurrent Resolution:

Concurrent Resolution relative to the centennial anniversary of the Mt. Washington Carriage Road.

The Message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 7, relative to educational assistance to the blind.

### **Read and Referred**

To the Committee on Transportation:

HB 15, relative to transportation of cylinders of liquefied petroleum gas.

To the Committee on Fisheries & Game:

HB 67, relative to taking beaver by the use of traps.

To the Committee on Banks & Insurance:

HB 128, establishing the unauthorized insurers false advertising process act.

To the Committee on Public Works:

HB 137, extending the time during which an act relative to a certain bridge over the Merrimack river shall be effective.

To the Committee on Finance:

HJR 5, in favor of Harry L. Hurlbert.

### **Introduction, First & Second Reading of Senate Bills & Joint Resolutions**

SB 65, providing that the state of New Hampshire may enter into a compact with any of the New England states to provide for the control, development and execution of programs of cooperation for the confinement, treatment and rehabilitation of offenders. (Battles) To the Committee on Judiciary.

SB 66, to encourage the private development of public

lands. (Cleveland) To the Committee on Resources, Recreation & Development.

SB 67, relative to collection of taxes from contractors and subcontractors. (McMeekin) To the Committee on Ways & Means.

SB 68, relating to the annual report of the racing commission. (Buckley) To the Committee on Ways & Means.

SJR 4, in favor of Ramona Terranova. (Buckley) To the Committee on Claims.

SJR 5, in favor of Berton B. Hiller. (Eaton) To the Committee on Claims.

SJR 6, in favor of the estate of Maier Melber. (Humphreys) To the Committee on Claims.

### Committee Reports

Senator Phillips, for the Committee on Judiciary:

SB 42, providing for the attorney general to represent a city or town in certain tax abatement proceedings. Ought to pass with amendment.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1 Tax Abatement Proceedings. Amend RSA 71 by adding after section 15 the following new section: 71:15-a Legal Counsel. Whenever an assessment or reassessment made upon order of the tax commission or made by the tax commission under RSA 71:12 results in a petition being brought in the superior court by a taxpayer against a city or town for abatement of the tax so assessed the attorney general in his discretion, upon request of the tax commission, may represent the town or city involved at no cost or expense to the town or city. All costs and expenses of said proceeding, for which the town or city would otherwise be liable, excepting the salaries of the attorney general or his staff member engaged therein, shall be a proper charge against the appropriation for the tax commission. Nothing herein shall be construed as authorizing the attorney general to appear for a town or city in any actions which may be brought against said town or city in tax abatement proceedings other than as specifically authorized hereunder.

Senator Cleveland: "Mr. President, in speaking on the amendment, I am speaking on the bill because as the amendment states, it amends the entire bill. The amendment makes permissive and optional as between the Attorney General and the Tax Commission the provisions of this bill. This bill permits the Tax Commission to go through the Attorney General's office to prosecute their side of an abatement proceeding. I do not see much need for this bill, but they felt it was necessary. It was introduced by Senator Battles and has the support of the Tax Commission."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 78, to provide a penalty for obtaining telecommunications service fraudulently. Ought to pass.

Senator Cleveland: "Mr. President, the purpose of this bill is to make it a misdemeanor to steal telephone service. It is already on the books that it is a misdemeanor to steal electricity; but there was some question as to whether the stealing of telephone service was covered by existing law. That is the reason for this legislation being introduced."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 177, legalizing the biennial election of 1960 in the town of New Ipswich. Ought to pass.

Senator Cleveland: "Mr. President, as far as the Committee can determine this bill is a candidate for the most unnecessary bill. Apparently, someone forgot to post the warrant on time. Not much at stake, but the people there felt it was needed. The Committee recommends its passage."

The bill was ordered to a third reading.

Senator Bergeron, for the Committee on Liquor Laws:

SB 45, providing special licenses for lounges at municipal airports. Ought to pass.

Senator Gardner: "Mr. President, this bill was introduced only after the sponsor had conferred with the Liquor Commission, the Director of Civil Aeronautics and consulted with the

Manchester Airport Authority. Manchester is about to construct a new terminal and it was felt it would be an incentive to a prospective lessee of a restaurant if a special permit could be granted as the revenue from the restaurant alone would not be sufficient inducement in this industrial area. Most airports scattered throughout the country have cocktail lounges. It is an accommodation to passengers who travel by air. It would be a convenience to persons with limited time who would appreciate a place for a short period of relaxation where they might also hold short conferences. This license would be granted only to airports that have scheduled flights. In New Hampshire, Berlin, Concord, Keene, Laconia, Lebanon, and Manchester. The Director of Aeronautics favored New Hampshire having same privileges as other areas. Both opponents and proponents appeared at the hearing. The opposition was wholly on a moral issue. These presentations, although lengthy were really sincere and were heard with courtesy and great respect. After careful consideration of all evidence presented, the Committee voted unanimously to report the bill as ought to pass."

Senator Monahan: "Mr. President, as a member of the original Lebanon Airport Authority, I raised this question at the last meeting. It was the unanimous opinion of the nine members of the Authority that this proposed bill should be enacted. We too are facing the need for new airport terminal facilities. We are interested in this type of legislation. We think it will facilitate our obtaining a good lessee if this can be offered. The Lebanon Regional Airport supports the bill as do I."

Senator Sawyer presiding.

Senator Cleveland inquired: "Am I not correct in saying that any first class restaurant could obtain a liquor license whether or not near an airport?"

Senator Green replied in the affirmative.

Senator Cleveland: "I wish to be recorded as opposed to this legislation because of the answer given to me by Senator Green. I don't believe that this legislation is necessary. If the demand at the airport is not good enough to support a first class restaurant, then the demand for the cocktail lounge is not as great as we are being led to believe. I regretfully oppose the Committee report."

Senator Green: "As the sponsor of this bill, it was only sponsored after a great deal of discussion by the Manchester Airport Authority, State Aeronautics Commission and the Liquor Commission. In Manchester, we are planning to expand and spend close to a million dollars. We are interested in having the facilities there not only for air craft. In checking with the State Aeronautics Commission, we discovered that practically every airport in the country has a cocktail lounge. It is a place where, if you wish, you can sit down in the lounge and have a cocktail. In cases where you do not intend to sit down for a meal — perhaps you have eaten at home — or not too long before. This is not the same situation as in Boston or New York where there are flights every hour. In New Hampshire, most of the passengers have already eaten at home or at their business conferences. Insofar as the restaurant is concerned, they are not going to make any money for at least two or three years — until they have built up their business. As for the restaurant, no one is going in for a dollar meal. We have checked this with restaurant people in New England — at Logan and with the Treadway people, etc. and they feel that every airport should have a cocktail lounge. The Liquor Commission has no objection. This will not be a two by four place and this will only apply to municipally operated airports, with scheduled flights, and limited to cities. I believe it is in the best interests of New Hampshire that this bill ought to pass."

Senator Lamontagne: "Personally, this bill will be of no value to the city of Berlin at the present time, but I certainly would have no objection. I see nothing wrong in this type of legislation. The only airport in the north country is at Berlin, and certainly in the future it might be of value to us. Certainly, I will support this type of legislation."

Senator Paquette inquired of Senator Green: "Does this affect Nashua?"

Senator Green replied: "Nashua has no scheduled airline at this time. When Nashua comes in, they will be eligible."

Senator McMeekin: "From what we have heard here, it appears that these cocktail lounges may be operated with or without food. My question is: Are these open to the public or anybody except to the patrons of the airlines?"

Senator Green: "It will be adjacent to the terminal. It is a part of the restaurant."



Senator McMeekin: "Are these cocktail lounges accessible to the general public or only to the patrons of the airport?"

Senator Green replied: "Open to the public."

(Discussion ensued)

Senator Cleveland: "Amending my previous remarks and adding an additional thought: if this legislation does pass, it will serve to act as a damper on restaurant facilities at airports. If the cocktail lounge is already in existence, then it seems to me there would be no inducement for any good, first class restaurant to come into the airport, and the need for a good restaurant is certainly as great as the need for a cocktail lounge."

Senator Caron: "I oppose the bill. My reason is that owners of private planes at Manchester are definitely opposed to this bill. It was stated to me that men should not drink and fly planes. I am definitely opposed to this bill."

Senator Daniel: "I oppose this bill for two reasons; first, a town that votes dry, they are going to run into trouble. Second, great danger in having airports having a cocktail lounge. I am not opposed to liquor, but this is no place to have a cocktail lounge."

Senator Caron: "Mr. President, at Grenier we have an Officers Club, located in the opposite field that they are talking about putting this restaurant in. Anybody, at any time, day or night, may go into the Officers Club and have a cocktail."

Senator Battles offered the following amendment; and spoke in support thereof:

Amend SB 45 by inserting after the word "airport" in line 9 of Section 1 thereof the following: No license shall be issued to any municipal airport in any town unless said town shall have voted to allow the sale of liquor in said town."

Senator Monahan: "Municipal airports are located substantial distances from towns or cities; therefore cocktails are not available."

Question being on adoption of amendment offered by Senator Battles.

On a *viva voce* vote, the Chair was in doubt and requested a Division.



Eleven Senators voted in the affirmative.

Six Senators voted in the negative.

The affirmative prevailed, and the amendment was adopted.

Question being: Shall the bill be ordered to a third reading?

On this question, Senator Green requested a Division vote.

Ten Senators voted in the affirmative.

Eight Senators voted in the negative.

On this motion, Senator Cleveland demanded a Roll Call.

The Clerk proceeded to call the Roll.

The following Senators voted in the affirmative: Lamontagne, Drake, Monahan, Gardner, Dunlap, Paquette, Green, Provost, Buckley and Battles.

The following Senators voted in the negative: McMeekin, Sawyer, Cleveland, Phillips, English, Holmes, Bunten, Cheney, Caron and Daniel.

Ten Senators having voted in the affirmative and ten Senators having voted in the negative, the motion was lost.

Senator Green: "In view of the fact that four members of the Senate are absent, I move that further consideration of the bill be made a Special Order of Business for Thursday at 11:01 o'clock."

Senator Holmes: "I would support a motion for reconsideration and will make the motion because all members of the Senate were not present."

Senator Green presiding.

Senator McMeekin inquired: "The motion was lost, therefore, the bill was disposed of."

The President ruled that a bill that is not read a third time does not automatically go out of the control of the Senate. It is still in the possession of the Senate. There is only one place for it to go and that is on the table. Then, if it is on the table, a motion to take from the table would always be in order. When a bill is not ordered to a third reading, it is not defeated.

Senator Battles requested a one minute Recess, which was granted by the Chair.

(Recess)

The Senate reassembled.

Senator Sawyer moved that the Senate reconsider its action on SB 45, whereby it was voted not to read the bill a third time.

Senator Cleveland inquired: "If I wish to have this matter laid to rest, I will vote against the motion to reconsider?"

The President replied in the affirmative.

Senator McMeekin: "If the motion carries, then what is the status of the bill?"

The President: "The bill is on its second reading."

On the motion to reconsider, Senator Lamontagne requested a Division.

Fourteen Senators voted in the affirmative and eight Senators voted in the negative.

Senator Cleveland demanded a Roll Call.

The Clerk proceeded to call the Roll.

The following named Senators voted in the affirmative: Senators Lamontagne, McMeekin, Sawyer, Monahan, Gardner, Eaton, English, Holmes, Paquette, Provost, Bergeron, Dunnington, Buckley, Battles and Humphreys.

The following named Senators voted in the negative: Senators Drake, Cleveland, Phillips, Dunlap, Bunten, Cheney, Caron and Daniel.

Fifteen Senators having voted in the affirmative and eight Senators having voted in the negative, the affirmative prevailed, and the motion to reconsider carried.

Senator Monahan offered the following amendment on behalf of Senators Lamontagne, Green, Monahan and Eaton.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 License to Sell Liquor. Amend RSA 178 by inserting after section 5 the following new section: 178:5-a Airport

Lounges. The commission may issue a special license to the Manchester Airport Authority, the Lebanon Regional Airport Authority, the Berlin Airport Authority, and/or the City of Keene for the Dillant-Hopkins Municipal Airport or their designees. Said special license shall permit the licensee to serve liquor and beverages in such room as may be designated by the commission, only if in said room there shall also be served food and coffee. The commission may grant, regulate, suspend, or revoke said special license or licenses without affecting any other license and permit which may be granted by said commission to said airport or airports. The fee for any such special license shall be one hundred dollars a year.

2 Takes Effect. This act shall take effect sixty days after passage.

Senator Daniel offered the following amendment to the amendment:

Add the words, only if in said room there shall also be served food and coffee, after the word "commission."

On a *viva voce* vote, the amendment to the amendment was adopted.

Senator Phillips presiding.

Question being on the adoption of the amendment as amended.

Senator Green: "With the amendment, the objective is there. Insofar as Manchester is concerned, the amendments accomplish the desired results. We wish to run a clean establishment. I think and I hope any doubts are cleared up and that this will be adopted unanimously."

On a *viva voce* vote, the amendment as amended was adopted.

On a *viva voce* vote, the bill as amended was ordered to a third reading.

Senator Green presiding.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills:

HB 21, regulating the practice of professional engineering.

HB 146, to amend the charter of the city of Keene.

SB 7, relative to educational assistance to the blind.

Robert S. Monahan  
For the Committee

### Concurrent Resolution

On motion of Senator Buckley, the following Concurrent Resolution was unanimously adopted:

*Whereas*, the United States has successfully launched, and returned, rockets into space and has, after much deliberation and elimination selected three young men, one of whom will be the first astronaut to be shot into space, and, of the three, one is a native of our Granite State, Commander Allan B. Shepard, Junior, son of Mr. and Mrs. Allan B. Shepard, Senior, of Derry, and

*Whereas*, much honor has come to New Hampshire with the choice of Commander Shepard for this adventurous task, therefore be it

*Resolved*, that we, the members of this 1961 General Court convened, do highly commend Commander Shepard for the stamina and the hard work which has brought him to be chosen for this hazardous adventure and congratulate his parents for having a son so highly qualified and talented, and be it further

*Resolved*, that a copy of these resolutions be sent to Commander Shepard and to his parents, Mr. and Mrs. Allan B. Shepard, Senior.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be made in order at the present time.

### Afternoon Session

#### Third Reading and Final Passage of Bills

SB 42, providing for the attorney general to represent a city or town in certain tax abatement proceedings.

SB 45, providing special licenses for lounges at municipal airports.

HB 78, to provide a penalty for obtaining telecommunications service fraudulently.

HB 177, legalizing the biennial election of 1960 in the town of New Ipswich.

On motion of Senator Provost, the Senate adjourned at 1:10 P.M.

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WEDNESDAY, MARCH 1, 1961

The Senate met according to adjournment.

### Guests

Guests of Senator Gardner: Mrs. Alfred Luneau and Mrs. Albert Akerstrom of Laconia.

Guest of Senator Dunlap: Reverend Robert H. Lewis of Henniker.

### House Message

The House of Representatives ask concurrence with an amendment to:

SB 23, relating to the American flag.

Amend section 1 of the bill by inserting after the word "be" in the third line the words, in the opinion of the cemetery authority; further amend by inserting after the word "flag" in the fourth and sixth lines the words, or marker, so that said section as amended shall read as follows:

1 Amend RSA 572:23 by striking out all of section 23 and inserting in its place the following: 572:23 Removing Flag. No person shall remove, unless it shall be in the opinion of the cemetery authority in an unserviceable condition, an American flag or marker from the grave of any person who served in the armed forces of The United States during any war unless he shall replace the same with a new American flag or marker. Any person violating the provisions of this section shall be fined fifty dollars.

On motion of Senator McMeekin, the Senate voted to non concur.

Pursuant to the above, the President appointed as members of a committee of conference, Senators McMeekin and Lamontagne.

### **Introduction, First & Second Reading of Senate Bills and Joint Resolution**

SB 69, providing for the disposition of certain abandoned property. (Dunlap) To the Committee on Banks & Insurance.

SB 70, prohibiting suspension of liquor licenses without hearing. (Eaton) To the Committee on Liquor Laws.

SB 71, relative to budgets of police departments. (Lamontagne & Phillips) To the Committee on Judiciary.

SJR 7, in favor of William A. St. Cyr. (Bunten, by request) To the Committee on Claims.

On motion of Senator English, the printing of the above SJR 7 was dispensed with.

On motion of Senator Paquette, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be made in order at the present time.

### **Afternoon Session**

#### **Announcement**

The President: "Tomorrow, being March 2nd, will be the last day for the admission of Senate Bills. Bills, other than those already filed with the Clerk or the Attorney General's office, will have to be cleared through the Rules Committee or by suspension of the rules. I have noticed in the Journal that the House is beginning to get their bills in and rolling. I would ask the members of the Senate to make every effort in attending Committee hearings and would urge the Committee Chairmen to continue their posting for hearing all bills as soon as possible after bills have been referred to their Committee. There are going to be quite a few bills coming in, possibly the latter part or middle of this month and we will have a general idea of how fast the bills are moving. Tuesday, March 14th, is

Town Meeting Day. That week, it is planned to meet Wednesday, Thursday and Friday."

On motion of Senator Bergeron, the Senate adjourned at 11:28 A.M.

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THURSDAY, MARCH 2, 1961

The Senate met according to adjournment.

### Guests

As the guests of the President and Senator Buntin: Aime Cansler, Commander; Frederick R. Lea, Jr. Vice Commander; Armand L. Martel, Quartermaster; Armand Gibeau, Officer-of-the-Day; Aubrey Viar, Past Commander; and G. Chester Dorr, Past Commander, all from Suncook Valley Post 2860, Veterans Foreign Wars.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HB 87, relative to taxation of house trailers.

HB 120, providing for the classification of certain surface waters of the Piscataqua River watershed.

HB 224, relative to the Amherst school district.

HJR 23, in favor of the estate of James E. McCullough.

The Message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following Concurrent Resolution:

*Whereas*, the textile industry is an important part in the economic life of New Hampshire; and

*Whereas*, foreign competition is one of the factors adversely affecting this industry and the economy of this state; and

*Whereas*, the United States Senate textile subcommittee has recently been holding hearings relative to this question; and

*Whereas*, the Governor of New Hampshire, as chairman of the New England Governors' Conference, and all other New England Governors have been diligent in the effort to find a solution to this vital problem, now, therefore be it

*Resolved* that the General Court of the State of New Hampshire requests its congressional delegation to support and work for all possible and necessary legislation and regulations to control textile imports which are adversely affecting the textile industry in this country; and, be it further

*Resolved* that the Secretary of State transmit copies of this concurrent resolution to the President of the United States, Senators Styles Bridges and Norris Cotton of the Senate of the United States, and the Hon. Perkins Bass and the Hon. Chester Merrow.

### Read and Referred

To the Committee on Ways & Means:

HB 87, relative to taxation of house trailers.

To the Committee on Resources, Recreation & Development:

HB 120, providing for the classification of certain surface waters of the Piscataqua River watershed.

To the Committee on Education:

HB 224, relative to the Amherst school district.

On motion of Senator Holmes, the rules of the Senate were so far suspended as to dispense with public hearing being held on the above entitled bill.

To the Committee on Claims:

HJR 23, in favor of the estate of James E. McCullough.

On motion of Senator Eaton, the rules of the Senate were so far suspended as to dispense with referral of the above House Joint Resolution to Committee and that the Joint Resolution be placed upon its third reading and final passage at the present time.



**Third Reading and Final Passage of Joint Resolution**

HJR 23, in favor of the estate of James E. McCullough.

**Introduction, First & Second Reading of Senate Bills**

SB 72, providing for the election of county commissioners for the county districts of Merrimack county. (Cleveland) to the Committee on Judiciary.

SB 73, to change the personnel of the Board of Managers of the New Hampshire Soldiers Home. (Holmes) To the Committee on Military & Veterans Affairs.

On motion of Senator English, the order whereby the following captioned House Joint Resolution was referred to the Committee on Finance was vacated and the Joint Resolution was referred to the Committee on Claims.

HJR 5, in favor of Harry L. Hurlbert.

**Committee Reports**

On motion of Senator Eaton, the rules of the Senate were so far suspended as to permit the introduction of a Committee Report not previously advertised in the Journal.

Senator Bunten, for the Committee on Ways & Means:

HB 113, relative to the operation of the Forest Hills Hotel in Franconia by the trustees of the University of New Hampshire. — Ought to pass with amendment.

Amend the bill by striking out the section 2 and substituting in place thereof the following: 2 Takes Effect. This act shall take effect upon its passage.

The amendment was adopted, and the bill as amended was ordered to a third reading.

On motion of the same Senator, the rules were further suspended and the bill was placed upon its third reading and final passage at the present time.

**Third Reading and Final Passage of Bill**

HB 113, relative to the operation of the Forest Hills Hotel in Franconia by the trustees of the University of New Hampshire.

**Committee Reports (continued)**

Senator Phillips, for the Committee on Judiciary:

SB 50, authorizing the secretary of state to remove the names of candidates not qualified to be on the ballot. — Inexpedient to legislate.

Senator Cleveland: "Mr. President, this bill is one of two bills (the other being SB 59) that attempts to deal with the situation where an unqualified candidate gets his name on the ballot. The secretary of state appeared in opposition. He felt that it would be difficult to administer. The Committee felt that SB 59, relative to affidavits to be signed by candidates for the office of state senator or representative, would probably go a long way to cure this situation. We thought that we would see if SB 59 would not take care of the situation."

Senator Holmes: "Mr. President, I wish to be recorded as voting for this bill.

"I would like to make a statement telling the Senate why I sponsored this bill and stating my deep disappointment that the committee has reported it inexpedient.

"In this bill I am trying to do a simple thing — create some machinery for upholding the Constitution of the State of N. H. It is frustrating to find how complicated and difficult it is to do this.

"The bill would give the Secretary of State authority to take from the ballot the name of an unqualified candidate who signed a statement that he was unqualified, in case it was past the time for the ballot commission to act. This suggested legislation comes out of my own experience in the last election when I was required to run against an unqualified candidate. I did not know my opponent had not lived in the state the required seven years preceding election, until about two weeks before the election.

"I asked the Secretary of State to determine whether the candidate in question was unqualified. He did. The candidate said he would continue to run until he had a directive from the Secretary of State or Attorney General telling him not to. The Attorney General said the matter was in the province of the Office of Sec. of State and that a name could be taken off the

ballot only by action of the courts at that late date and he thought even this was unpracticable. The Secretary of State said he had no authority to do anything and he did nothing. I told the voters I would introduce legislation to remedy this. I have.

"The Secretary of State opposed this legislation on the grounds that it was difficult to enforce. In my opinion the difficulty is worth while if it serves to uphold the constitution. It would be needed only in very rare cases, especially if Senate Bill No. 59 also introduced by me passes the legislature. We are constantly expressing concern over respect for our laws. We urge our young people to obey the laws and respect the constitution. I think it is difficult to teach good citizenship if we allow the constitution to be flaunted. Perhaps all of us violate the constitution from time to time unknowingly — I do not claim to know it well. I do not intentionally, though, disobey it, and I don't believe the average legislator or citizen does. I think there are many things that should be changed in the constitution of N. H., but until they are, is not the correct attitude to take toward it, the one taken by George Washington in the Farewell Address portions of which I had the honor to read in this chamber last week toward the United States Constitution — the attitude that it is the law of the land until it is changed? Changed by amendment of the people.

"It is in accord with this attitude — even though many may call it old-fashioned and "corny" that I have introduced this bill. I know it is futile for me, a lone Senator, to oppose the decision of the Judiciary Committee and the influence of the high office of Secretary of State. I have had no help from any official in this matter in my efforts, except the support of the Senator of the 14th district who happened to be in the committee room when the bill was heard, and recorded himself as favoring the bill. I am most grateful to him. I realize that 24 heads are better than one, and if I have not been able to initiate a suggestion that will accomplish what I am trying to do, will any senator who has a suggestion, please give it to me so that I may file a bill by title before today's deadline passes."

On a *viva voce* vote the negative prevailed, and the recommendation of the Committee was not adopted.

Senator McMeekin inquired: "What is the status of the bill?"

The President: "If the recommendation is not adopted, the bill is before the Senate without any recommendation."

Senator Holmes: "My wish was that there might be real support. If there is any support, I would move that the words Ought to Pass be substituted for the recommendation of the Committee Inexpedient to legislate."

Senator Dunlap inquired of Senator Cleveland: "You said that you thought that this matter was going to be taken care of by another bill?"

Senator Cleveland replied: "Yes, by SB 59, which treats the same situation. This amends the law as to the affidavit — must live in the state for 7 consecutive years prior to the filing and must be 30 years of age. We feel that this will prevent those from filing that are not qualified."

Senator Dunlap inquired: "As of the present time, a person may file for an office, making an affidavit that has no reference to his qualifications?"

Senator Cleveland: "Yes. It does not say 30 years of age or over and resident of this state for 7 years. This will provide that."

Senator Dunlap inquired of Senator Holmes: "I certainly appreciate the reasons why you are interested and I think it is not only frustrating on a personal basis, but also bad for government to have candidates file that are unqualified. I suppose such a person might be a straw candidate. Do you not feel that SB 59 would not make for better provisions against the problem that you have than the bill that you filed?"

Senator Holmes replied: "I introduced SB 59. I do not wish to have this have anything to do with personalities. I think the other bill would probably cover the situation. I have nothing to say about candidates or about Parties. I don't think it is a Party question, but I do think that we have discovered a bigger problem there. The people ask 'What is going to be done?' The problem was startling to them. I do not relish this type of thing. I do not think it should be up to the candidates to go about this. I will not run away from a fight. On the other hand, I do not relish it. Maybe I do not have the right answer."

Senator Dunlap: "My only interest in this is to see that the abuse of improper filing is eliminated. I voted against the Committee's recommendation out of courtesy to Senator Holmes and

partly because I think this thing is serious. I think the Committee in studying this and reporting it, probably had in mind that you might run up against improper application of the law that the bill provides. I can see what might happen if you discover this 10 minutes after the filing. Whereas the other bill which has been referred to would deter anyone who is capable of reading and writing of becoming a candidate unwittingly or by being a pawn of someone else. I would hope that those who feel dissatisfaction in the bill that Senator Holmes has filed would feel that would be better than SB 59."

Senator Bergeron: "I think the Senate should know that the secretary of state advised that it might be improper to remove a name."

The President: "Inasmuch as eight Senators are tied up in considering an important bill at the present time, I would suggest that this bill might be made a Special Order of Business. I do not wish to break up that conference as I would like to get it all set up today. Perhaps we could agree to make this a Special Order of Business."

Senator Lamontagne moved that further consideration of the above bill be made a Special Order of Business for next Tuesday morning at 11:01 o'clock.

Senator Cleveland stated that he had no objection to the motion, but that he felt this might only serve to jam the session on Tuesday.

On a *viva voce* vote, the affirmative prevailed, and the motion for Special Order carried.

Senator Phillips, for the Committee on Judiciary:

SB 55, relative to trespassing on private roadways with a motor vehicle. — Ought to pass.

Senator Cleveland: "Mr. President, this bill adds to the present trespass law covering cultivated ground. It adds to that law 'private roadways.' Near the border of Massachusetts, wood roads are being trepassed on in a very abusive manner. This sets up the machinery to make it a misdemeanor to use these roads when properly posted."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

SB 59, relative to affidavits to be signed by candidates for the office of state senator or representative. — Ought to pass.

Senator Cleveland: "I believe the discussion has already explained this bill. It is an inconsequential bill."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

SB 60, increasing the salary of the clerk of the Portsmouth municipal court. — Ought to pass.

Senator Cleveland: "Mr. President, this raises the pay of the clerk from \$1200 to \$1500."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 55, relating to the mental treatment of juveniles. Ought to pass.

Senator Cleveland: "Mr. President, this is permissive requirement that heretofore was mandatory that municipal judges had to send juveniles to the Clinic held by Dr. Philbrick. The previous law was mandatory, with the result that conditions became overcrowded and many who needed help were not getting help because those who did not need it were crowding the doctor."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

SB 61, relative to town appropriations under the municipal budget law. — Ought to pass.

Senator Cleveland: "Mr. President, this bill which was put in at the request of the Tax Commission, attempts to do three things: 1) clarifies the law that now exists that the voters can exceed the recommendations of the budget committee by 10%, but included in that 10% will not be any bond appropriation at the town meeting; 2) it changes the present language which permits selectmen or school boards to go over a budget that has already been adopted, they have to have the permission of the Tax Commission; and (3) it gives the selectmen of a town or

school board permission to make expenditures over and above appropriation without permission of the tax commission, when there is a sudden or unexpected emergency, for example, flood causes a bridge to go out. The selectmen could cause that to be repaired without having to wait for the Tax Commission's approval."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

SB 62, relative to information reports from so-called small business corporations. — Ought to pass with amendment.

Amend said bill by adding at the end of the first section thereof the following new sentence, provided, however, the information report shall not be filed in any year that no such dividends are paid, and provided further that stockholders not legally resident in the state of New Hampshire shall not be listed, so that said section as amended shall read as follows:

I Taxation of Income. Amend RSA 77 by inserting after section 17 the following new section: 77:17-a Small Business Corporations, Information Reports. Every small business corporation within this state, the stockholders of which have been elected, or elect, to report their share of the corporation's taxable income upon their individual federal income tax returns, pursuant to federal tax laws and regulations, shall annually on or before May first, file a list of the names and addresses of all stockholders during the preceding year together with the amount of dividends paid to each with the director of interest and dividends of the state tax commission. Provided, however, the information report shall not be filed in any year that no such dividends are paid and provided further that stockholders not legally residents in the state of New Hampshire shall not be listed.

Senator Cleveland: "Mr. President, I am speaking on the amendment and also on the bill. This bill was introduced at the request of the Tax Commission to cover a possible loophole in the interest and dividends tax. The amendment limits to only those stockholders resident of the state of New Hampshire and those corporations who actually pay dividends. The reason for the bill is complicated."



The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Holmes, for the Committee on Transportation:

SB 3, relative to protection at railroad crossings. — Ought to pass with amendment.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Railroad Crossings. Amend RSA 373:10 by striking out said section and inserting in place thereof the following: 373:10 Railroad Crossings Stop Signs. The public utilities commission shall have authority to order stop signs installed at particularly dangerous public crossings or private railroad crossings after hearing or on its own motion after investigation.

2. Takes Effect. This act shall take effect sixty days after its passage.

Senator Dunlap: "Mr. President, reluctantly I move that the bill be made a Special Order of Business for next Tuesday morning at 11:02 o'clock. I do this by request and not on my own motion. Two members of the Committee who want to be here when this bill is considered on the floor are not able to be here. I would request that the proposed amendment be printed in the Journal."

On a *viva voce* vote, the motion for Special Order carried.

The President recognized Senator Cleveland: "Mr. President, I offer the report from the study committee established by SJR 1, to look into the ski area. We charged the Planning & Development with this matter and they have filed an interim report and have asked for another extension of six weeks. I would move that this be accepted and that the request be granted."

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

Senator McMeekin moved that the order whereby SB 13, relative to variance in federal census figures for the apportionment of state representatives, was referred to the Committee on Finance be vacated and the bill be placed in the possession of the Senate at the present time.



The President declared a short Recess.

(Recess)

The Senate reassembled.

Senator McMeekin withdrew his motion above.

On motion of Senator Paquette, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be made in order at the present time, and when the Senate adjourns today, it be to meet next Tuesday morning at 11 o'clock.

### **Afternoon Session**

#### **Third Reading and Final Passage of Bills**

SB 55, relative to trespassing on private roadways with a motor vehicle.

SB 59, relative to affidavits to be signed by candidates for the office of state senator or representative.

SB 60, increasing the salary of the clerk of the Portsmouth municipal court.

SB 61, relative to town appropriations under the municipal budget law.

SB 62, relative to information reports from so-called small business corporations.

HB 55, relating to the mental treatment of juveniles.

### **Communication**

Dear Senator Green,

Words are so inadequate to express my appreciation for the very kind Resolution sent to me and the children by you and the Senate.

Chuck loved the School and he would have been very proud of your thoughts of him.

Thank you.

Sincerely,

Charlotte East

February twenty-eighth

The President recognized Senator Holmes under personal privilege: "Mr. President, in connection with the remarks of the Senator from the 7th District: First, I do not like to feel that any legislation that I bring in is inconsequential, when it deals with the Constitution of the State of New Hampshire. Secondly, I did not at any time mean to indicate that the Judiciary Committee would let personalities interfere with their consideration of the issues. I have great respect for this Committee and I have had the privilege of serving as its Vice Chairman and if I have said anything to indicate that its members do not consider things on the proper basis, I apologize; it was not my intention."

The President recognized Senator McMeekin: "I wish to be recorded in protest at holding sessions of the Senate with so many absentees. I think all the members are entitled to know what is going on. I think that Committee work can be, and should be, arranged so that they may be here. Further, I would call to the attention of the Senate that although thirteen constitutes a quorum, it requires the vote of 10 members to legislate. If there was a Roll Call on a bill, it would be difficult to get the 10 votes necessary to pass it."

On motion of Senator Drake, the Senate adjourned at 12:20 o'clock.

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TUESDAY, MARCH 7, 1961

The Senate met according to adjournment.

#### Guests

Guest of the entire Senate: former Senator James P. Rogers of Laconia.

Guest of the entire Senate: former President of the Senate, Eralsey Ferguson.

Guests of the President and Senators from Manchester: Luke E. Hart, Supreme Grand Knight, Knights of Columbus; J. Henry Goguen, Commissioner of Safety for Massachusetts; John McDevitt, Knights of Columbus; Frank H. Lee, National Fraternal Congress of America; Euclid Gilbert, Vice President,

New England Fraternal Congress; Foster F. Farrell, Secretary of National Fraternal Congress of America; Attorney Ernest D'Amours, ACA.; and Gail E. Bower, Jr. of Manchester.

Guests of Senator Lamontagne: Mrs. Pauline and Master Stephen Dumont, the wife and son of Representative Raymond Dumont of Berlin.

Guests of the President: Mrs. Samuel Green, Mrs. James Pananos and Mrs. Charles Rutman, all of Manchester.

Guest of Senator Paquette, Register of Deeds for Hillsborough County Donat Corriveau.

### **Announcement**

The President stated that he wished to call attention to the members of the Senate that yesterday was the birthday of Senator Lamontagne; also on Thursday Senator Caron, and Senator Buckley today celebrated birthdays.

### **House Message**

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 27, for emergency location of state and municipal government.

HB 95, relative to emergency admissions to state hospital.

HB 96, relative to commitment of the mentally ill.

HB 123, to repeal the capital reserve fund for the public library annex in Nashua.

HB 129, relating to the installation of public telephones on streets and public ways.

HB 144, in relation to Dartmouth College trustees.

HB 148, relative to classification of certain highways in the towns of Bedford and New Boston.

HB 155, relative to enlarging or reducing the membership of school boards.

HB 182, to increase the parliamentary rights of the mayor of Nashua.

The Message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to:

HB 113, relative to the operation of the Forest Hills Hotel in Franconia by the trustees of the University of New Hampshire.

The Message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 9, relative to duties of the state historical commission as to erection of historic signs.

SB 27, relating to the salary of the mayor of the city of Nashua.

### **Read and Referred**

To the Committee on Judiciary:

HB 27, for emergency location of state and municipal government.

HB 123, to repeal the capital reserve fund for the public library annex in Nashua.

HB 129, relating to the installation of public telephones on streets and public ways.

HB 144, in relation to Dartmouth College trustees.

To the Committee on Public Works:

HB 148, relative to classification of certain highways in the towns of Bedford and New Boston.

To the Committee on Executive Dept., Municipal & County Government:

HB 182, to increase the parliamentary rights of the mayor of Nashua.

To the Committee on Education:

HB 155, relative to enlarging or reducing the membership of school boards.

To the Joint Committee of Judiciary and Public Health, Welfare & State Institutions:

HB 95, relative to emergency admissions to state hospital.

HB 96, relative to commitment of the mentally ill.

### **Introduction, First & Second Reading of Senate Bills**

SB 74, relative to completion of state highway project in the town of Andover. (Cleveland) To the Committee on Public Works.

SB 75, reorganizing the Council on Resources and Development and providing an Executive Coordinator thereof. (Drake & Monahan) To the Committee on Resources, Recreation & Development.

### **Order Vacated**

Senator McMeekin moved that the order whereby SB 13, relative to variance in federal census figures for the apportionment of state representatives, was referred to the Committee on Finance be vacated and the bill be placed in the possession of the Senate at the present time.

Senator McMeekin spoke in support of the above motion: "Mr. President, I make this motion because in my opinion there is no need for any appropriation whatsoever and if the motion carries, I have prepared an amendment which will strike out the reference to appropriation. I have consulted with members of the Committee and with the Planning & Development Commission representative, and there is no special appropriation needed. They can do it within their ordinary budget. I hope the amendment will pass and that we may send the bill along to the House."

Senator Humphreys: "If no appropriation is needed, the bill does not need to stay in the Finance Committee. If there are amendments to be offered, it should have been done when the bill was in the hands of the Executive Department, Municipal & County Government; if that Committee had known no appropriation was needed. Therefore, I move that the amendment offered by Senator McMeekin be amended to provide that the bill be vacated from the Finance Committee and be referred to the Executive Department, Municipal & County

Government Committee for further consideration of amendment."

Senator McMeekin inquired: "Before any further reference can be made to the bill, should it not be placed in the possession of the Senate?"

The President: "Yes. The motion of Senator McMeekin is to vacate the order from Finance and come into the possession of the Senate. Senator Humphreys moved that reference to Finance Committee be vacated and that it be referred to Committee on Executive Dept., Municipal & County Government. Both motions are in order. Senator Humphreys amends the motion of Senator McMeekin. The question first is upon motion of Senator Humphreys as amending the motion of Senator McMeekin."

Senator Cleveland: "Parliamentary situation — to vacate from Finance as Senator McMeekin moved was conditional that the appropriation would be taken out?"

The President: "Assuming that the motion of Senator Humphreys carries and the bill then goes from Finance, the Executive Dept. can then offer the amendment."

(Discussion ensued)

Senator McMeekin inquired: "Where does the bill stand if we vote "no" on the present motion, to vacate from Finance and refer to Executive Department?"

The President: "If motion of Senator Humphreys is defeated, then motion of Senator McMeekin can come up for action."

Senator McMeekin spoke against motion of Senator Humphreys.

At the request of Senator Caron, the President declared a two minute Recess.

(Recess)

The Senate reassembled.

The President: "To suspend the rules requires a two-thirds vote. A motion to vacate requires a two-thirds vote."

Question being on motion of Senator Humphreys.

Senator Cleveland moved that this question be divided for voting.

At the request of Senator Humphreys, the President declared a one minute Recess.

(Recess)

The Senate reassembled.

Senator Humphreys withdrew his motion.

Question now being on motion of Senator McMeekin that referral of the bill to the Finance Committee be vacated and that the bill be brought before the Senate?

Senators Humphreys and Lamontagne spoke in opposition to the motion.

Senator Dunlap: "Mr. President, when this bill was referred to the Executive Dept. Committee, it had a hearing and it had consideration and it was reported in as Inexpedient to legislate. The Senators that voted for it to be referred to Finance did so because of the fact there was money attached to it. If there is no longer any need for appropriation, why should it not come back to the floor of the Senate? I will support the motion."

Question being on motion of Senator McMeekin.

On a *viva voce* vote, the Chair was in doubt, and requested a Division.

Thirteen Senators having voted in the affirmative, and ten Senators having voted in the negative, there was not the required two-thirds vote, and the motion was defeated.

Senator Cleveland: "I would move that the Committee be discharged. Will a simple majority carry this motion?"

The President: "The rulings of the Presidents in 1955, 1957 and 1959 have all ruled that discharging a Committee without recommendation requires a simple majority vote and I feel bound by precedence."

Senator Cleveland: "I disagree with your ruling, but I make the motion."

Question being on motion of Senator Cleveland that the Finance Committee be discharged.

On a *viva voce* vote, the Chair was in doubt and requested a Division.

Thirteen Senators having voted in the affirmative, and ten Senators having voted in the negative, the affirmative prevailed, the motion carried, and the Senate Finance Committee was discharged of this bill and the bill now before the Senate for action.

The bill being on its second reading and open to amendment, Senator McMeekin offered the following amendment:

Strike out section 2.

Renumber paragraph 3 to read paragraph 2.

Senator Humphreys moved that the above entitled bill be referred to the Committee on Executive Dept., Municipal & County Government and spoke in support of the motion.

Senator McMeekin spoke against the motion but stated that he would have no objection if anybody wanted to hold this over and make it a Special Order of Business for a later date.

On motion of Senator Cleveland, further consideration of the above bill was made a Special Order of Business for next Wednesday morning at 11:01 o'clock.

### Committee Reports

Senator Phillips, for the Committee on Judiciary:

SB 58, relative to permission to towns to appropriate money for payment of association dues. Ought to pass with amendment.

Amend said bill by striking out section 2 thereof and inserting in place thereof the following new sections:

2 Permissible Expenditures of Town Officers. Amend RSA 31 by adding after RSA 31:8 the following new section 31:8-a Authorization to Pay Dues. The board of selectmen may vote to pay, from amounts appropriated by the town for town officers' expenses, such amounts as shall be payable for annual membership in the New Hampshire Municipal Association and expenses incurred in attending regular meetings of the said association, provided that the appropriation of such dues has not previously been rejected by a vote at the annual



town meeting and provided further that the association shall not record association positions before the General Court or committees thereof on matters which do not directly affect New Hampshire towns and cities, nor engage in partisan political activity by endorsing, or otherwise supporting, any political party or candidate.

3 Takes Effect. This act shall take effect sixty days after its passage.

Senator Cleveland: "Mr. President, speaking on the amendment, I am also speaking on the bill because this amendment, in effect, rewrites the bill. The purpose of the amendment is to make it clear that this association will not indulge in any partisan political activity nor will it record association's position to the general court on anything affecting its membership.

With this amendment, it is my understanding that the administration is not opposed to this bill and neither is the sponsor opposed to the amendment. The Committee voted unanimously that should pass."

Senator Battles: "Mr. President, the administration's position on this bill was that it wanted to be sure that the New Hampshire Municipal Association would not involve itself in matters that did not directly and specifically affect the Municipal Association or the operation of town governments such as sales tax, etc. It is the feeling that this amendment satisfies that objection."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

SB 51, relating to the licensing of auctioneers. Ought to pass.

Senator Lamontagne offered the following amendment:

Amend said bill by adding at the end thereof the following new section:

311-A:14 Nothing in this sub-chapter shall be construed to alter, repeal or in any other way affect other statutes presently in force dealing with the subject matter hereof.

On a *viva voce* vote, the amendment was adopted.

Senator Cleveland: "Mr. President, this bill is another one of these bills that we seem to be receiving in ever increasing numbers, to establish a licensing authority for auctioneers. The presentation made by the sponsors of this legislation was good and there appears to be some need for this legislation. No objection was made. It was the unanimous opinion of the Committee that the auctioneers should be given licensing authority."

The bill as amended was ordered to a third reading.

Senator Drake, for the Committee on Public Health, Welfare & State Institutions:

SB 53, to correct the reference in the statutes to the state department of health laboratory. Ought to pass.

Senator Sawyer: "Mr. President, this bill in no way affects the statute except to bring it up to date. The title of health laboratory has been changed to Department of Health. We have no laboratory of hygiene. This bill changes the title to what it should be."

The bill was ordered to a third reading.

Senator Drake, for the Committee on Public Health, Welfare & State Institutions:

HB 56, eliminating the requirement for certain reports to the state board of health. Ought to pass.

Senator Sawyer: "Mr. President, the Commissioner of Health appeared before the Committee and gave us the story that since 1921 his Department has been required by statute to house certain statistics, particularly relative to the admission and discharge of patients from various state institutions. These statistics are all in the institution involved and nobody has ever consulted them. They have to be housed and take up a large amount of space. They can be found at any time in the files of the various institutions. This does away with the necessity of storing this large amount of statistics."

The bill was ordered to a third reading.

Senator Dunlap, for the Committee on Agriculture:

HB 3, relative to definition of adulteration of milk and milk products. Ought to pass.

Senator Buntin: "Mr. President, this bill had a hearing. Nobody appeared against it. Three appeared in favor. This is just a housekeeping bill. Two years ago, we passed the bill which has been working satisfactorily. There was one statute on the books that should have been corrected at that time, but through oversight, it was not done. That is what this bill does."

The bill was ordered to a third reading.

Senator Monahan, for the Committee on Education:

SB 35, to broaden the curriculum at teachers colleges. Ought to pass with amendment.

Amend said bill by striking out everything after the enacting clause and inserting in place thereof the following:

1 Teachers' Colleges, Instruction. Amend RSA 186:18 by striking out said entire section and inserting in place thereof the following: 186:18 Instruction. The instruction in the teachers colleges shall include curricula for the preparation of teachers for the public schools, and may include other curricula needed by New Hampshire students and approved by the State Board of Education.

2 Takes Effect. This act shall take effect sixty days after its passage.

Senator Eaton: "Mr. President, SB 35 amends RSA 186-18 to allow teachers colleges to include in their curriculum courses other than pedagogical as needs and demands of community and students require them, subject to approval of state board.

"You will recall that an almost identical bill was introduced by the same Senator, passed this body last session and was killed in the House. To me this was frustrating to the point of tears and illustrated that lip service was the thing advanced education gets the most of. This polite bill says teachers colleges *may include* other courses instead of saying *confined to*!

"It does not make a liberal arts college with a degree, although I wish it did. It is a fact that teachers colleges per se are on their way out! There are not many more than a baker's dozen in the U. S. and most of them in New England. It is a fact that there is a bad connotation to the name 'teachers col-

lege' as opposed to 'state college'. It is a fact the City of Keene lost a healthy industry because Keene Teachers College could not give other than prescribed teacher courses. Industry needs college grads and college courses to allow their employees to advance. This bill does not make teachers colleges state colleges, however, it could lead to area colleges entitling youngsters to obtain liberal arts degrees — youngsters who can neither afford nor can they commute to UNH. This measure does not mean we will compete with UNH, although I feel it would be better if the teachers colleges were under the aegis of UNH — then they would demand and receive some recognition. Passage of this bill does not mean less teachers — it means more teachers and better prepared teachers. We are heading into an era in dire need of more higher education facilities, more and better teachers, and although *everyone* decries the lack of these things, nobody does anything about it — Here is one tiny opportunity to progress along the path we all verbally tread."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Monahan, for the Committee on Education:

HB 224, relative to the Amherst School district. Ought to pass.

Senator Holmes: "Mr. President, this bill puts back into the Amherst School District a piece of property in the town of Amherst which had been in the Milford District for some years when transportation to Amherst was a problem to the persons concerned. Access from this property to Amherst schools is better now so the School Boards of both towns agree on this bill. We suspended the Senate hearing because this bill had no opposition and had been heard in the House and suspension would save a trip on the part of the interested School Board members."

The bill was ordered to a third reading.

Senator Bunten, for the Committee on Ways & Means:

SB 64, relative to the compensation of Cheshire County Commissioners. Ought to pass.

Senator Eaton: "Mr. President, this bill gives authorization to the people of Cheshire County, as represented by the

County Delegation, to do what they have already voted i.e. raise the County Commissioners' salaries from \$1600 to \$2,000."

The bill was ordered to a third reading.

Senator Buntin, for the Committee on Ways & Means:

HB 152, relative to collection of taxes on real estate when such sale is of less than the whole estate. Ought to pass.

Senator Eaton: "Mr. President, HB 152 is preventive legislation and was entered at the request of the Tax Commission and explained by Judge Marvin. At present RSA 80:24 covering tax sales by the tax collector allows any individual to buy any part of a piece of property up for sale. At present a buyer could purchase one square inch in the center of a piece of property and this has actually happened! Also in Concord an individual purchased one six thousandths of a piece of property — However, both these properties were redeemed by the owners. Now this poses vexatious and annoying claims and problems for tax people. It gums up titles to real estate, as there are people who go to tax sales thinking they will acquire title eventually by the quoted examples. This measure provides that at any tax sale the collector must sell the total property or a common and undivided interest, i.e.; one-quarter interest in the total property as opposed to buying a tiny part in the center. No opposition — All members of Committee present and voting in favor.

The bill was ordered to a third reading.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House Bills and Joint Resolution:

HB 55, relating to the mental treatment of juveniles.

HB 78, to provide a penalty for obtaining telecommunications service fraudulently.

HB 113, relative to the operation of the Forest Hills Hotel in Franconia by the Trustees of the University of New Hampshire.

HB 177, legalizing the biennial election of 1960 in the town of New Ipswich.

HJR 23, in favor of the estate of James E. McCullough.

Louis M. Paquette  
For the Committee

Senator Holmes called for the Special Order of Business.

SB 50, authorizing the secretary of state to remove the names of candidates not qualified to be on the ballot.

Question being on motion of Senator Holmes that the words, Ought to pass, be substituted for the recommendation of the Committee, Inexpedient to Legislate.

Senator Holmes spoke in support of the motion: "I think the majority of the Senate know the situation that this bill attempts to take care of. At the last election, I did ask the Secretary of State to take the name of an unqualified person off the ballot. He said he had no power to do so. I tried to think up some other measure that might be more palatable. I sat for about two hours with the Senate Counsel. He said these ballot law bills are very complicated and take a lot of time. I would amend my motion to substitute 'may' for shall'. I realize that there is strong opposition and I have not been able to get very far with this. Somebody should have the authority to do something without requiring a candidate to go to court when the court would not act. I think this is the best that I can work out. I would like to go on record as stating that I do not think it is the duty of one candidate to police another. I do not accept that; it is their job. I do not accept that duty. If others wish to do it, that of course is their privilege. I would like it on record that I do not accept that theory and do not wish to take that upon myself. I think it is a candidate's right to fight a campaign in any honorable way, but not to police another candidate. Some official should have the authority to handle these problems."

Senator Battles: "Mr. President, I think Senator Holmes has a point. I would like to have her know that I will support the bill as amended. I think she has a good point and I agree with her wholeheartedly."

Senator Lamontagne spoke against the motion to substitute.

Senator Humphreys spoke in favor of the bill: "I think if we pass the motion, then the bill will be open to amendment and Senator Holmes may propose an amendment."

Question being on motion to substitute.

On a *viva voce* vote, the motion carried.

Senator Holmes offered the following amendment:

Amend said bill by, in section 1 thereof, striking out the words "shall" in lines 6 and 30 thereof and substituting in place thereof in both said places the word, may.

The amendment was adopted, and the bill as amended was ordered to a third reading.

### **Special Order of Business at 11:02 O'clock**

Senator Battles called for the Special Order of Business.

Question being on adoption of amendment offered by the Committee on Transportation to: SB 3, relative relative to protection at railroad crossings.

The amendment was adopted.

Senator Battles: "Mr. President, I offer this amendment with the hope that the Senate will recognize the responsibilities that the railroads have for the protection of lives and property of the travelling public. Under the present law, the PUC may order any unprotected railroad crossings to be protected. They also have to decide who is going to pay for it. There are many instances throughout the State where a railroad passes through a town and the town has no interest in this railroad crossing. It is my feeling that unless the towns people have a direct interest in the crossing itself, they should not be required to pay any expense toward this railroad protection devices. The costs of this device costs range from \$10,000 to \$25,000 and vary from bells, flashing lights and the most expensive, double gates. This amendment will give the PUC the right to order that just three railroad crossings be protected and then I went further and said that this act shall expire in 1962. When the Legislature comes back, it can look at this and if it has hurt the railroad, then it need not be enacted again. Many of the other states have this law."



(Discussion ensued)

Senator Daniel moved the previous question. Seconded by Senator Caron.

Question being: Shall the main question now be put?

On a *vica voce* vote, the affirmative prevailed.

Question now being on adoption of amendment offered by Senator Battles.

On this motion, Senator Battles demanded a Roll Call.

The Clark proceeded to call the Roll.

The following named Senators voted in the affirmative: Senators Monahan, Caron, Daniel, Dunnington, Buckley, Battles and Humphreys.

The following named Senators voted in the negative: Senators Lamontagne, Drake, McMeekin, Sawyer, Gardner, Cleveland, Phillips, Dunlap, Eaton, English, Holmes, Paquette, Bunten, Cheney, Provost and Bergeron.

Seven Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the negative prevailed, and the amendment was not adopted.

On a *viva voce* vote, the bill as amended by the Committee was ordered to a third reading.

### Concurrent Resolution

Senator Dunlap offered the following Concurrent Resolution:

providing for a study of the banking laws of the state

*Resolved by the Senate and House of Representatives in General Court convened:*

That there is hereby established a special committee consisting of five members who are authorized and directed to study and review the banking laws of the state and to supervise the work necessary to revise, recodify and amend said banking laws and to arrange them in a systematic, annotated and condensed form, so far as they deem necessary, according to the general scheme and plan of the Revised Statutes Annotated. The five



members of said committee shall be: 2 members of the senate appointed by the president, 3 members of the house appointed by the speaker. The members of said committee shall serve without compensation but shall be reimbursed for all reasonable expenses incurred in performing their official duties hereunder. The members of said committee shall have full authority to assign such portions of its work as it deems suitable to persons, or committees of persons not members of said committee who have had training and experience in the different types of banking and financial institutions which are subject to the supervision of the bank commissioner, provided however that all recommendations made by such nonmembers relative to revision of the banking statutes shall be carefully reviewed and approved by the committee before they are submitted to the legislature. The special committee shall make interim reports of its findings to the 1961 session of the general court and make specific recommendations relative to revision of the banking statutes to the 1963 session of the general court not later than January 30, 1963. All reasonable cost of such study shall be collected by the bank commissioner from each institution, the condition and management of which he is required to examine and supervise under RSA 383:9 the said amount pro-rated on each such institution in accordance with the proportion which its assets bear to the total assets of all such institutions. The assessment hereunder shall be in addition to any other assessments on account of examination and supervision of said banking institutions.

Senator Dunlap: "Mr. President, this Resolution was introduced after conferences and consultation with the President of the Senate and the Speaker of the House. In the last session, a Resolution was adopted which proposed to have a Bank Study Committee and the membership from the Senate and the House attended to its duties. However, the report that should have been forthcoming according to the prior Resolution was not available. The banking industry recognizes that there is a need for the recodification of the banking statutes. The banking industry served on this committee under the previous Resolution. In spite of the fact that we had a committee made up of both members of the Legislature, the Speaker and the President found that they were not in possession of a report. This present Resolution would authorize a study; no appropriation is required in this Resolution although in the previous Resolution

there was \$1500. If this Resolution passes, then the recodification study and the upgrading of the banking laws will be assured. This is in the public interest and I would urge its passage."

Senator Eaton presiding.

Senator Daniel inquired if he would have any objection in including the Bank Commissioner as a member of this Committee.

Senator Dunlap replied that he would have opposition to the Bank Commissioner serving on the Committee.

Senator Green: "There never was a report submitted. There is no doubt but what there is a great need for getting up to date the banking laws of our State. The laws should be re-codified. I strongly support this Concurrent Resolution."

The Concurrent Resolution was unanimously adopted.

Senator Green presiding.

On motion of Senator Eaton, amended by Senator Bergeron, the rules of the Senate were so far suspended as to vacate the order whereby SB 70, prohibiting suspension of liquor licenses without hearing, was referred to the Committee on Liquor Laws and the bill was referred to the Joint Committee of Ways & Means and Liquor Laws.

Senator Cleveland: "Mr. President, I would like to request the President to order the Senate Counsel to have prepared and available at his desk not later than tomorrow afternoon at least two or three copies of SB 49, establishing a department of health and welfare and providing for the merger therein of certain departments and agencies within the state government, with notation made of all the changes made from the original bill. So that at a glance, we may know what changes have been made."

The President so requested the Senate Counsel.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be made in order at the present time.

#### Afternoon Session

#### Third Reading & Final Passage of Bills

SB 3, relative to protection at railroad crossings.

SB 35, to broaden the curriculum at teachers colleges.

SB 50, authorizing the secretary of state to remove the names of candidates not qualified to be on the ballot.

SB 51, relating to the licensing of auctioneers.

SB 53, to correct the reference in the statutes to the state department of health laboratory.

SB 58, relative to permission to towns to appropriate money for payment of association dues.

SB 64, relative to the compensation of Cheshire County Commissioners.

HB 3, relative to definition of adulteration of milk and milk products.

HB 56, eliminating the requirement for certain reports to the state board of health.

HB 152, relative to collection of taxes on real estate when such sale is of less than the whole estate.

HB 224, relative to the Amherst school district.

On motion of Senator Battles, the Senate adjourned at 1:50 P. M. in honor of the birthdays of Senators Lamontagne, Caron and Buckley.

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WEDNESDAY, MARCH 8, 1961

The Senate met according to adjournment.

### **Leave of Absence**

Senator Sawyer was granted leave of absence for the day on account of important business.

### **Guests**

As the guest of Senator Humphreys: Mr. Robert McCann, Portsmouth Housing Authority, Portsmouth.

As the guest of Senator Humphreys and the entire Senate: former Senator from the 24th District, Arthur J. Reinhart of

Portsmouth, Majority Floor Leader of the Senate in 1949 session.

As the guest of Senator Monahan: Mr. Harry Manson, Chairman of the Water Pollution Commission.

The President recognized Senator McMeekin who raised the question of a lack of a quorum.

The President stated that members of two Committees are in session attending to important business.

Senator McMeekin stated that the introduction of House Bills from the House Message is Senate business and that he would raise the question of a lack of a quorum.

The President declared a brief Recess, in order that the members of the Committees in session might be summoned to the Senate Chamber.

(Recess)

The Senate reassembled.

The President requested the Clerk to call the Roll.

The result of the Roll Call showed that all Senators were present with the exception of Senator Sawyer who had been granted Leave of Absence for the day.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 151, to permit the state library commission to enter into agreements or compacts.

HB 161, relative to officers of the New Hampshire State Port Authority.

HB 37, relative to the method of taking wild deer in the town of Durham.

HB 77, relative to homicide and offenses against person.

HB 171, relating to unemployment compensation.

The Message further stated that the House of Representatives refuses to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 29, relating to authority of fish and game director to control porcupines in remote areas.

The Message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 25, relative to fees for fish and game licenses, and eliminating the so-called license stamps.

SB 46, relative to assessment of taxes.

The Message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following captioned Joint Resolution, and withdraws its request for a Committee of Conference:

HJR 6, for appropriation for carrying out provisions relative to regional agreements for educational facilities for New Hampshire residents.

### **Read and Referred**

To the Committee on Fisheries & Game:

HB 37, relative to the method of taking wild deer in the town of Durham.

To the Joint Committee on Judiciary and Public Health, Welfare & State Institutions:

HB 77, relative to homicide and offenses against person.

To the Committee on Executive Dept., Municipal & County Government:

HB 151, to permit the state library commission to enter into agreements or compacts.

HB 161, relative to officers of the New Hampshire State Port Authority.

To the Committee on Labor:

HB 171, relating to unemployment compensation.

**Introduction, First & Second Reading of Senate Bills**

SB 76, relative to taxation of corporation property. (Cleveland) To Ways & Means.

SB 77, relative to bonds for public works. (Dunlap) To Public Works.

SB 78, relative to investments legal for trustee. (Cleveland) To Judiciary.

SB 79, relative to investments legal for guardians and conservators. (Cleveland) To Judiciary.

SB 80, relative to the homestead right of minor children. (Dunlap) To Judiciary.

SB 81, authorizing towns to appropriate monies for ski areas. (Cleveland) to Executive Dept., Municipal & County Government.

SB 82, relating to attachment liens. (Eaton) To Judiciary.

SB 83, relative to tax assessments in unincorporated places. (Lamontagne) To Ways & Means.

SB 84, to provide relief from double taxation for the support of public schools. (Dunlap, by request) To Ways & Means.

SB 85, relative to classification of a highway in the towns of Greenfield and Frankestown. (Dunlap) To Public Works.

SB 81, authorizing towns to appropriate monies for ski areas, voided and withdrawn at the request of the sponsor and with the approval of the Senate because the subject matter is identical with the subject matter in SB 38, to enable towns and cities to contribute to ski areas under certain conditions.

**Communication**

Hon. Samuel Green, President,  
New Hampshire Senate,  
Concord, New Hampshire

Dear President Green:

The annual meeting of the New Hampshire Fairs Association is to be held in the afternoon and evening of Tuesday, March 21. It has always been the policy of this Association to

extend an invitation to The Honorable Senate to be with us as our guests at the banquet, which will be held in the evening at 6:45 P.M.

Because of the closing of the Eagle Hotel, it has been necessary for us to make arrangements with the Elk's Home in Concord to rent us their banquet halls for the occasion. We are negotiating with Angelo's to cater for us. The lower hall will be used for a coat and waiting room for those who arrive early.

THE DATE: Tuesday, March 21

THE TIME: 6:45 P.M.

THE PLACE: The Elk's Home, Concord, New Hampshire

We should know definitely the number from your Committee who wish to attend not later than Thursday, March 16, so that we can get the tickets to you the morning of the 21st.

Sincerely yours,

R. W. Smith, Secretary,  
N. H. Fairs Association

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time.

### Afternoon Session

On motion of Senator Buckley, the Senate adjourned at 11:40 A.M.

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THURSDAY, MARCH 9, 1961

The Senate met according to adjournment.

### Guest

As the guest of Senator Cleveland, former Senator Paul Gay of New London.

### Introduction, First & Second Reading of Senate Bills

SB 86, relative to the term of office of highway agents in the town of Freedom. (Sawyer, by request) To Executive Dept., Municipal & County Government.

SB 88, to grant tax exemption to national veterans associations. (Paquette, Lamontagne and Provost) To Committee on Ways & Means.

SB 87, to appropriate sufficient money to enable the state to make an equal contribution to the local communities to the expense of establishing an Eastern Slopes Regional Airport. (Sawyer) To the Committee on Finance.

On motion of Senator Sawyer, the rules of the Senate were so far suspended as to dispense with the printing of the above entitled bill and also to dispense with the requirement of two days' notice of public hearing.

Senator Sawyer explained the reason for his motion above: "This is a simple bill for an appropriation and there is need for haste. There are only a few days to settle a contract for the building of this airport. This matter was taken up by me with the Governor about 10 days ago, and he also informed himself from other sources about it; that it was a very proper bill. He agreed to have it drawn by his attorney, but the bill has not come through, and I have had Mr. Marx write up the bill that we have here. The Aeronautics Commission has already appropriated \$10,000 for this purpose. They are a little short of funds; therefore, it will have to come out of public funds. I have discussed this with the Finance Committee."

Senator Monahan: "I sympathize with the Senator from the 4th District, but I would remind the Senate however that we had a very similar situation involving the Lebanon Airport. I will not oppose the motion, but I do think it is unfortunate that the administration took one position two years ago, and another position this year."

#### **Introduction, First & Second Reading of Senate Joint Resolution**

SJR 8, directing an investigation into advisability of authorizing consumer counsels in this state. (Monahan) To Judiciary.

#### **Committee Reports**

Senator Buckley, for the Committee on Public Works:

SB 39, relative to superstructures over highways in cities and towns. Ought to pass with amendment.



Amend said bill by striking out in lines 3 and 17 of section 1 thereof the words "twelve feet or more" and substituting in place thereof the following words, not less than sixteen feet; further amend said bill by striking out in lines 4 and 18 of section 1 thereof the words "building inspector or other official" and substituting in place thereof the words, governing body of a municipality, so that said section as amended shall read as follows:

1 Encroachments on Highways. Amend RSA 249:19 by inserting at the end thereof the following: Superstructures from one building to another, extending over a highway, not less than sixteen feet above the surface of the highway, approved by the governing body of a municipality charged with the duty of inspection or supervision of buildings, shall not be considered obstructions within the meaning of this section, so that said section as amended shall read as follows: 249:19 Purprestures; Barbed Wire. If any building, structure or fence is erected or continued upon or over any highway, or if any fence, any part of which within six feet from the ground is barbed wire, is erected, maintained or continued adjoining or adjacent to any street or highway within the compact part of any town or within the limits of any village district or city, it shall be deemed a public nuisance. Cornices or other projections upon buildings, extending a reasonable distance into a highway, twelve feet or more above the surface of the highway, shall not be considered obstructions within the meaning of this section. Superstructures from one building to another, extending over a highway, not less than sixteen feet above the surface of the highway, approved by the governing body of a municipality charged with the duty of inspection or supervision of buildings, shall not be considered obstructions within the meaning of this section.

Senator Buckley: "Mr. President, there was no opposition. The Highway Department representative appeared in favor and requested the amendment. It was unanimously voted as ought to pass with amendment."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Buckley, for the Committee on Public Works:

SB 41, empowering and authorizing the town of Derry to establish a department of public works. Ought to pass.

Senator Buckley: "Mr. President, this was at the request of the last year's town meeting where they passed the vote to petition the town of Derry to establish a department of public works, to be voted on after its passage. This is a permissive bill and the town of Derry asks permission to do this."

The bill was ordered to a third reading.

Senator Buckley, for the Committee on Public Works:

HB 103, naming The Walter Swett Memorial Drive. Ought to pass.

On motion of Senator Drake, the above entitled bill was recommitted to the Committee on Public Works.

Senator Buckley, for the Committee on Public Works:

HB 126, authorizing selectmen and city councils to lay out limited access highways. Ought to pass.

Senator Buckley: "Mr. President, there was no opposition to this bill. The purpose of the bill was to give the Selectmen, or City officials, the right to be in on the laying out of limited access highways. The Committee voted unanimously as ought to pass."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

SB 65, providing that the state of New Hampshire may enter into a compact with any of the New England states to provide for the control, development and execution of programs of cooperation for the confinement, treatment and rehabilitation of offenders. Ought to pass.

Senator Cleveland: "Mr. President, this bill is a bill that will permit the New England states to enter into a compact in regard to prison facilities. One of the reasons for the bill is economy. We already have a compact whereby female prisoners from this state are confined in Vermont. This bill extends this principle. One humane reason for this bill — if a New Hampshire prisoner has been confined in prison in Connecticut, for example, he could be brought back near the end of his confinement, which would make it easier for his family, and makes parole easier to obtain. There was no opposition, and it is en-

dorsed by the administration and governmental agencies involved."

The bill was ordered to a third reading.

Senator Drake, for the Committee on Public Health, Welfare & State Institutions:

HB 4, relative to radiation protection. Ought to pass with amendment.

Amend section 1 RSA 125:45 of said bill by striking out in line 2 thereof the word "shall" and inserting instead thereof the word, may, so that said line 2 shall read as follows: officer or his duly authorized representatives may: (a) Administer this

Mr. President, all of the pertinent people spoke in support. No opposition. I believe it is self explanatory.

The amendment was adopted and the bill as amended was ordered to a third reading.

Senator English, for the Committee on Claims:

SJR 5, in favor of Berton B. Hiller. Ought to pass.

Senator English: "Mr. President, Mr. Hillier, conservation officer, shot a dog chasing deer. In so doing he was obeying orders. The law says, under such circumstances, that a dog may be killed if he is not wearing a tag. The Nashua Superior Court held that the dog *did* wear a tag and entered a judgment of \$500 against the conservation officer to compensate the dog owner. The committee felt that the evidence was overwhelming that under the circumstances the conservation officer performed his duty according to specifications and the question of visibility was not a decisive factor, and that in all probability the dog, while wearing a tag, it could not have been in a manner which was visible."

The Joint Resolution was ordered to a third reading.

Senator English, for the Committee on Claims:

SJR 6, in favor of the estate of Maier Melber. Inexpedient to legislate.

Senator English: "Mr. President, this case involved a boy of fifteen years of age who was drowned at Silver Lake Park in Hollis. He was swimming with two companions and disap-

peared. No one present at the park, including his companions, apparently noticed his disappearance. Six lifeguards were on duty and some 3,700 bathers were at the beach. There was no indication that the guards on duty were other than alert to their responsibilities. Before the park officials were notified two hours and forty-five minutes elapsed, at which time immediate emergency procedures were set in motion. The lifeless body was recovered.

The committee did not feel that the state could be held responsible since all reasonable precautions were apparently being taken."

The recommendation of the Committee was unanimously adopted.

Senator Humphreys desired to be recorded as being in favor of this Joint Resolution.

Senator English, for the Committee on Claims:

HJR 5, in favor of Harry L. Hurlbert. Ought to pass.

Senator English: "Mr. President, Harry Hurlbert, a former employee of the Fish & Game Dept., was injured while on duty at the New York Sportsmen Show in 1947. The injury resulted in hernia and prevented his further active duty with the department and resulted in his being forced to retire a year before the retirement age, thereby affecting his pension. This case has been considered favorably at previous sessions of the legislature and is strongly supported by the Fish & Game Dept., which is responsible under the resolution for payment to Mr. Hurlbert."

The Joint Resolution was ordered to a third reading.

Senator Drake, for the Committee on Fisheries & Game:

HB 67, relative to taking of beaver by the use of traps only. Ought to pass.

Senator Drake: "Mr. President, the purpose of this bill is two-fold. First, it will open up the north country which has been closed for some years now for the trapping of beaver. Secondly, it removes the 75c fee for stamping the pelts. No objection by the Fish & Game Department."

The bill was ordered to a third reading.

Senators Sawyer and Caron, for the Joint Committee on Executive Dept., Municipal & County Government and Finance:

SB 49, establishing a department of health and welfare and providing for the merger therein of certain departments and agencies within the state government. Ought to pass with amendment.

(See Appendix of Journal of March 2nd and March 7th for amendments proposed by the Joint Committee)

On motion of Senator Humphreys, the reading of the proposed amendments was dispensed with and he explained same.

"I am sure that many of the Senators are already thoroughly familiar with the provisions of this Senate Bill 49, as nearly all the Senators attended a meeting with the Governor and Mr. Wyman and heard a full explanation of the original bill. Also, several Senators attended the hearing on the bill and nine Senators served on the joint committee of Executive Department and Finance, which committee unanimously voted to report the bill in ought-to-pass with amendment. Also, every Senator has had an opportunity to study the bill with amendment, as printed in the Senate Journals of March 2 and 7. I will, therefore, be as brief as possible but will try not to omit major provisions of the bill.

The bill as amended by the committee provides for the establishment of a department of health and welfare under the direction of a commissioner of health and welfare, the department to include:

1. A division of public health services, to which shall be transferred the present State Board of Health, the Water Pollution Commission, the New Hampshire State Sanatorium, and the Commission on Alcoholism.
2. A division of welfare, to which shall be transferred the Department of Public Welfare.
3. A division of mental health, to which shall be transferred the New Hampshire State Hospital, Laconia State School, the Children's Study Home, and the New Hampshire Child Guidance and Mental Hygiene Clinics.

The purpose of this act is to establish an integrated administration of agencies of the state government having functions and duties relating to health and welfare to promote increased efficiency and economy.

The act provides for the creation of an advisory commission required to meet not less than once each quarter. Failure of a member to attend two consecutive meetings shall be deemed a resignation. In addition to the quarterly meetings of the advisory commission, it may be convened at other times by the chairman, or the commissioner, or any three members of the commission. The commission shall receive no per diem but shall be entitled to expenses including mileage when in the performance of their duties.

The advisory commission shall consist of nine members appointed by the Governor and Council for a term of five years, and shall include:

1 physician-psychiatrist

1 pediatrician

1 general practitioner or internist

each of these 3 members to be first nominated for appointment by the New Hampshire State Medical Society;

1 psychologist, to be nominated for appointment by the New Hampshire Psychological Association;

1 social worker, to be nominated by the New Hampshire Chapter of the National Association of Social Workers;

and the remaining 4 members to be nominated and appointed by the Governor and Council, having due regard for their background and interest in the field of health or welfare. If the required nominations are not made within 30 days after notice, the Governor and Council are authorized to appoint without such nomination, but with due regard to the qualifications required of each appointee. Initially the tenures of office are to be staggered from one to five years. The chairman of the advisory commission shall be designated by the Governor from among its membership for a term of one year. He may be re-appointed, but for not more than 3 consecutive years.

The duties of the advisory commission are as follows:

1. Make nomination for the appointment of the Commissioner to the Governor and Council.
2. Service in an advisory capacity to the Commissioner and to the department.
3. Make a continuing study of the problems of public health, mental health, and welfare in New Hampshire.
4. Serving and examining the operations of the Commissioner and the Division Directors in meeting these problems, and make recommendations to the Commissioner regarding the activities and operations of the department.
5. Submit to the Governor and Council each October an annual report of the department activities, which report shall be a public document.
6. From within its membership establish boards of visitation for each of the various state institutions and health facilities which come under the department. Such visitation inspections shall be made not less frequent than once each 4 months without previous notice, findings and recommendations to be submitted to the full advisory commission and incorporated in the annual report to the Governor and Council.

Administrative and executive direction of the entire department of Health and Welfare shall be under the direction of the Commissioner, appointed by the Governor and Council upon nomination by the Advisory Commission. He shall hold office for five years.

The Commissioner will be responsible for organizing and directing the work of the entire department and the directors of the 3 divisions shall be under his supervisory authority.

Provision is made for appointment of an acting commissioner or an acting director in cases of temporary absences of these officials from their duties.

There shall be:

1. A director of the division of public health services, who shall be a physician trained in public health work.
2. A director of the division of welfare, who should be duly qualified through training at an accredited school



of social service with emphasis in public welfare administration and at least five years of executive experience in the field of public welfare.

3. A director of the division of mental health, who shall be a physician-psychiatrist eligible for licensure as an M.D. in New Hampshire.

The division directors shall be responsible for the administration and operation of their respective divisions, subject to the supervisory authority of the Commissioner. The division directors shall be appointed by the Governor and Council on nomination of the Commissioner, after consultation with the Advisory Commission, for a term of five years, and shall serve at the pleasure of the Commissioner, which shall be deemed to mean that the tenure of any director may be terminated by the Commissioner with the approval of the Advisory Commission with cause. In the event of such termination, provision is made for a 90 day notice and a 30 day interim for appeal and hearing before the Governor and Council.

Upon the recommendation of the Commissioner, after consultation with the division directors affected, the Advisory Commission, and with the Water Pollution Commission as it may be concerned, the Governor and Council are authorized to approve intradepartmental organization for the purposes of improvement in the economy in administration, provided that no such change shall eliminate any existing position within the classified service, unless such position shall then be vacant or its incumbent has been transferred to an equivalent or higher paid position of like tenure. A similar provision is included to permit the Commissioner to transfer classified personnel, appropriations, or equipment between the divisions of the department, provided that no such transfer shall eliminate the classified position transferred.

Except as specifically provided in the act, no classified positions will be abolished by reason of the establishment of this department, but vacancies occurring after July 1, 1961 shall not be filled without the approval of the Governor and Council.

The director of mental health shall receive full maintenance in addition to his salary.

Section 126:A-10 The Commissioner, upon recommendation of the director of Mental Health, is authorized to estab-



lish duties and responsibilities with respect to institutional services, educational and research services and community mental health services, upon the advice of the Advisory Commission. With the approval of the Advisory Commission and the Governor and Council the Commissioner is authorized to establish in the Division of Mental Health a classified staff position of Coordinator of Community Mental Health Services, Research and Education. The tenure of the Coordinator shall be at the pleasure of the Commissioner, and the salary is not to exceed \$10,000 per year.

Rules and regulations of all agencies merged are to remain in effect until amended by the Commissioner or by the division directors, with the Commissioner's approval.

All powers, duties, functions, personnel, records and property of the State Department of Health are transferred to the new division of public health services. The state health officer in office on the effective date of the act shall continue to hold office subject to the provisions of the present statute RSA 125:19 and of this chapter. The State Board of Health is abolished.

The present Commission on Alcoholism is abolished and all its powers, duties, functions, personnel, records and property are transferred to the division of public health services.

The State Sanatorium and all the functions, powers and duties of its trustees are transferred to the division of public health services, and the Board of Trustees is abolished. The Superintendent of the State Sanatorium shall continue in office.

The Water Pollution Commission is transferred to the division of public health services for the purpose of departmental organization and administrative jurisdiction. The Water Pollution Commission shall continue to function within that division with no lessening of its authority or powers except that its budget will require the concurrence of the Commissioner and it shall be subject to the general provisions of section 126-A:2 of this chapter and exempt from the provisions of section 11 of this chapter.

The Board of Welfare, established by RSA 161:3, is abolished and all its functions, powers, duties, records and property are transferred to the division of welfare. The Commissioner of Public Welfare continues in office as Director of the Division of Welfare.

The New Hampshire State Hospital is transferred to and continues as a corporation in the Division of Mental Health. State Hospital trust funds transferred shall be managed and invested by the Director of the Division of Mental Health with the approval of the Advisory Commission and advice of the state treasurer.

The Board of Trustees of the New Hampshire State Hospital is abolished and all its powers, functions, etc., transferred to the Division of Mental Health.

The Superintendent of the State Hospital on the effective date of this act shall continue to hold office, subject to the provisions of the act.

The Commission of Mental Health is abolished and its functions and duties will be performed by the Director, Division of Mental Health in consultation with the Advisory Commission.

The Director of the Child Guidance Clinic in office on the effective date of this act shall continue in office, subject to the provisions of this chapter.

The Board of Trustees of the Laconia State School is abolished and its duties will become the duties of the Commissioner of Health and Welfare, Division of Mental Health.

The Superintendent of the Laconia State School on the effective date of this chapter shall continue in office, subject to the provisions of this chapter.

The Tuberculosis Commission is abolished and its functions and property transferred to the Director of the Division of Public Health Services in consultation with the Advisory Commission.

The Director of Tuberculosis Control in office on the effective date of this chapter shall continue in office, subject to the provisions of this chapter.

The Hospital Advisory Council is abolished and its functions and property transferred to the Division of Public Health Services with consultation of the Advisory Commission.

The Children's Study Home shall be administered by the Commissioner of Health and Welfare, Division of Mental Health, in consultation with the Advisory Commission.

Funds provided in appropriation acts for the 1962-1963 biennium relating to services and facilities transferred to the new Department of Health and Welfare will be deemed to be appropriated for the same purposes in the new department, provided that specific sums appropriated for unclassified personnel where the positions have been changed as to title and duties by this act or transferred by this act, shall be deemed to be appropriated for unclassified positions in the new department as the Governor and Council shall approve.

In addition to other funds made available to the new department, this bill appropriates \$55,000 for the biennium ending June 30, 1963 to be available for the salary of the Commissioner and for any increases of the salary of the directors above the amounts appropriated in the budget act and for the salary of the Director, Division of Mental Health.

Salaries authorized for the Commissioner and the Directors are as shown on page 228 of the Senate Journal of March 2.

Several provisions for repeal are included in the bill to bring present statutes in conformity with this act.

An additional appropriation to the Division of Mental Health of \$100,000, which will not lapse until the end of the 1962-1963 biennium, is included in this act to provide for the salary of the Coordinator, institutional services, educational and research services, and community mental health services which may be established under the provisions of RSA 126-A:10 of this act.

A provision is included in this bill to assure eligibility of the new department to receive and use federal funds available to the existing agencies which are included in this merger.

Provisions of this act insofar as the limitation on filling vacancies is concerned shall be July 1, 1961. Insofar as merger of the various departments, agencies and commissions is concerned, the effective date will be July 1, 1962 unless the Governor proclaims an earlier effective date."

(Discussion ensued)

Senator Cleveland: "Mr. President, I think it is a foregone conclusion that this bill with this impressive sponsorship and backing is going to pass the Senate. I am personally op-

posed to including the Department of Public Welfare in this new department. Public Welfare has a good record to date in its operation. The cost per capita in Maine is \$11; in Vermont, it is \$7, and in New Hampshire it is \$4.46. This is an impressive record of economy, and it seems to me that placing the Department of Public Welfare in this new department is unwarranted. I am particularly concerned by the fact, although apparently the Senator from the 24th District is not aware of this, that a very large proportion of the Department of Welfare's budget is spent for medical services. In fact, during the last biennium, this expense amounted to some over 5 million dollars. The new department is apparently going to be dominated by the medical profession and I think it is too much to ask of such a department to pass judgment on this type of expense. It seems to me there is an inherent problem in this situation, which will make economies however reasonable, extremely difficult. For the foregoing reason, I oppose the bill insofar only as it includes the present department of Public Welfare in this new department and abolishes its board. There seems to be little question but that the rest of the provisions of the bill are a step in the right direction."

Senator Holmes: "I gave a great deal of thought to this merger bill before I decided to become a sponsor of this bill. I feel that this is not a bad thing, but a good thing, because so much of the Welfare's budget is in the medical field. I think the Committee has handled the matter very well by spelling out the amendments. I hope that we will be given an opportunity to see if this works out well, and I think it will."

Senator McMeekin: "Mr. President, I wish to be recorded, along with Senator Cleveland, that the Department of Welfare has no place in this new department. The Department of Welfare has nothing to do with Health."

Senator Caron moved the previous question. Seconded by Senator Lamontagne.

Question being: Shall the main question now be put?

On a *viva voce* vote, the affirmative prevailed.

On a *viva voce* vote, the amendments offered by the Joint Committee were adopted.

**AN ACT**

establishing a department of health and welfare and providing for the merger therein of certain departments and agencies within the state government, including amendments offered and adopted later.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

**1 Department of Health and Welfare.** Amend RSA by inserting after chapter 126 the following new chapter:

**Chapter 126-A****Department of Health and Welfare**

**126-A:1 Declaration of Purpose.** The purpose of this act is to establish an integrated administration of agencies of the state government having function and duties relating to health and welfare, making possible increased efficiency and economy through the merger of various existing departments and agencies of the state government.

**126-A:2 General Provisions.** I. The advisory commission created by this act shall meet not less than once within each quarter of each calendar year. Failure of a member to attend two consecutive such quarterly meetings shall be deemed a resignation from membership and the position vacant by operation of law.

II. Upon the recommendation of the commissioner of health and welfare, after consultation with the division directors affected, the advisory commission, and with the water pollution commission as it may be concerned, the governor and council are authorized to approve such intra-departmental organization as the governor and council find from time to time may improve or make more economical the administration of the department; provided, however, that no such change shall eliminate any then existing position within the classified service unless such position shall then be vacant or, if filled, its incumbent has been transferred to an equivalent or higher paid position of like tenure.

III. With the approval of the governor and council and of the personnel commission, and after consultation with di-

rectors of divisions affected, and with the water pollution commission as it may be concerned, the commissioner of health and welfare is authorized to transfer classified personnel, appropriations or portions thereof relating thereto, as well as necessary equipment, within or between any division of the department; provided, however, that no such transfer shall eliminate the classified position transferred.

IV. Except as may be specifically provided to the contrary in this act, nothing herein shall imply nor be construed to eliminate any position in the classified service of the state nor to reduce existing salary or emoluments attendant upon any classified position affected by transfer or merger under this chapter. Vacancies in classified positions occurring after July 1, 1961 in any department functions to be transferred to the new department of health and welfare shall not be filled without the approval of the governor and council, provided that after written notification of vacancies to be filled are received by governor and council from department directors, and if no action is taken on these requests within 30 days, the director of the division concerned may fill such vacancy or vacancies forthwith. No permanent classified employee in the state service upon the effective date of this act shall be required to take an examination to remain in his position.

**126-A:3 Department Established.** There shall be a department of health and welfare under the executive direction of a commissioner of health and welfare, which department shall include the following divisions: (1) A division of public health services to which shall be transferred to the extent and in the manner specified by the provisions of this act the state board of health, the water pollution commission, subject to the specified limitations of section 21 of this act, the New Hampshire state sanatorium and the commission on alcoholism; (2) a division of welfare to which there shall be transferred in like manner the department of public welfare; and (3) a division of mental health, to which shall be transferred in like manner the New Hampshire state hospital, the Laconia state school, the children's study home, and the New Hampshire child guidance and mental hygiene clinics.

**126-A:4 Commissioner of Health and Welfare.** Administrative and executive direction of the department of health and welfare shall be under the direction of a commissioner of health

and welfare, who shall be appointed by the governor and council upon nomination by the advisory commission established by this chapter. He shall hold office for a term of five years from the date of his appointment and until his successor is appointed and qualified. A vacancy shall be filled for the unexpired term. It shall be the responsibility of the commissioner to organize and direct the work of the department of health and welfare. Directors of departmental divisions shall be subject to supervisory authority of the commissioner whenever in his discretion he shall see fit to exercise the same. Said authority shall include the power to establish departmental and divisional policy as well as to control the actual operations of the department and all new divisions therein.

**126-A:5 Acting Commissioner; Appointment.** The commissioner of health and welfare shall appoint one member of his staff who shall act in his stead when said commissioner is absent from the state and at such other times as he is so directed by the commissioner. When acting for the commissioner said person shall have all the power, duties and authority of the commissioner.

**126-A:6 Directors of Divisions.** There shall be a director of the division of public health services, who shall be a physician trained in public health work, a director of welfare who should be duly qualified through training at an accredited school of social service with emphasis in public welfare administration and at least five years of executive experience in the field of public welfare, and a director of the division of mental health who shall be a physician-psychiatrist eligible for licensure as an M.D. in New Hampshire. Directors of divisions shall be responsible for the administration and operation of their respective divisions subject to the supervisory authority of the commissioner as set forth in 126-A:4 of this act. Each shall be appointed by the governor and council on nomination of the commissioner after consultation with the advisory commission for a term of five years from the date of his appointment and until his successor is appointed and qualified. Notwithstanding any other provisions of this act the incumbent directors in office on the effective date of this act shall continue to hold office as though they had been initially appointed pursuant to the provisions of this act.

**126-A:6-a Acting Directors of Divisions; Appointments.** Each division director with the approval of the commissioner



shall appoint one member of his staff who shall act in his stead when said director is absent from the state and at such other times as he is so directed by the director. When acting for the director said person shall have all the power, duties and authority of the director.

**126-A:7 Salaries.** The annual salaries of the commissioner of health and welfare, the director of the division of public health services, the director of the division of welfare, and of the director of the division of mental health shall be as herein-after provided. In addition to his salary the director of mental health shall receive full maintenance.

**126-A:8 Advisory Commission; Establishment.** There shall be an advisory commission on health and welfare consisting of nine members appointed by the governor and council for a term of five years and until their successors shall be appointed and qualified. The advisory commission shall be comprised of one physician specializing in psychiatry, one pediatrician, and one general practitioner or internist, each of the foregoing to be first nominated for appointment by the New Hampshire State Medical Society, one psychologist to be nominated for appointment by the New Hampshire Psychological Association, one social worker to be nominated for appointment by the New Hampshire chapter of the National Association of Social Workers, and four members-at-large to be nominated and appointed by the governor and council, having due regard for their individual background and interest in the field of health and/or welfare. Nominations to the governor and council shall be promptly submitted both with respect to initial and successor appointments as well as the filling of vacancies, to the end that there shall be the least possible period of less than full membership of the advisory commission. Whenever nominations to the governor and council from any sources are delayed for longer than a period of thirty days after receipt of notice from the secretary of state that the nomination is required, the governor and council are authorized to appoint without such nomination, but having due regard to the qualifications required of each appointee as set forth herein. Initial appointments by the governor and council shall be as follows: one member for one year, two members for two years, two members for three years, two members for four years, and two members for five years. Vacancies shall be filled for the unexpired term in the same manner as the original appoint-



ment. The commission shall have a chairman, who shall be designated by the governor from among its membership. The term of the chairman shall be for one year. He may be reappointed as chairman but for not more than three consecutive years, and thereafter shall be ineligible to be chairman. The commission shall meet not less frequently than quarterly and at such other times as it may be convened by the call of the chairman, the call of the commissioner, and on the petition of any three members it shall be the duty of the chairman to convene the commission forthwith. Members of the commission shall receive no per diem but shall be entitled to expenses including mileage when in the performance of duties required by this act.

**126-A:9 Advisory Commission; Duties.** The advisory commission shall nominate for appointment by the governor and council, the commissioner of health and welfare. It shall serve in an advisory capacity to the commissioner and to the department of health and welfare. It shall make a continuing study of the problems of health, mental health and welfare in the state of New Hampshire, survey and examine the operations of the commissioner and of the directors of the divisions of the department in meeting these problems and from time to time make recommendations to the commissioner regarding the activities and operations of the department. It shall submit to the governor and council in each October an annual report of the activities of the department, which report shall be a public document. From within its membership the commission shall establish boards of visitation of not less than three members each, for the Laconia state school, the New Hampshire state hospital, the state sanatorium, and such other health facilities within the department as it may deem advisable. It shall be the duty of the members comprising each board of visitation to make inspection of their respective institutions, without previous notice, not less frequently than once each four months, and as often as each board may desire. Such inspections shall have particular regard for the care and treatment of patients therein. Findings and recommendations of each board of visitation shall be submitted to the full advisory commission as occasion may require, and where made shall be incorporated in the annual report of the advisory commission to the governor and council.

**126-A:10 Additional Departmental Duties; Discretionary Assignment of Coordinator.** The commissioner of health and welfare, upon recommendation of the director of mental health, is authorized to establish within the division of mental health such administrative assignment of duties and responsibilities with respect to institutional services, educational and research services and community mental health services as he shall from time to time deem necessary and desirable, after first consulting with and receiving the advice of the advisory commission. In the discretion of the commissioner, and with the approval of the advisory commission and of the governor and council, the commissioner is authorized to establish within the division of mental health an unclassified staff position of coordinator of community mental health services, research and education. In such event, the tenure of the coordinator shall be at the pleasure of the commissioner. The salary of the coordinator shall not exceed ten thousand dollars per annum, payment of which shall be from funds appropriated to the department not otherwise specifically appropriated.

**126-A:11 Agency Regulations; Approval of Commissioner.** After the effective date of this act, rules and regulations of all agencies of state government merged within or transferred to the department of health and welfare, shall require the approval of the commissioner as well as that of the director of the division to which such agency may be assigned within the department, unless otherwise specifically provided therein, provided, however, that existing rules and regulations shall remain in full force and effect until and unless amended or otherwise affected by action of the commissioner pursuant to this section.

**126-A:1 Department and State Board of Health; Transfer of.** All powers, duties, functions, personnel, records and property of the state department of health established pursuant to RSA 125:1 are hereby transferred to the department of health and welfare, division of public health services. All powers and duties vested in the state board of health pursuant to any provision of the statutes are hereby vested in the department of health and welfare, division of public health services. Wherever reference is made to the state board of health in Title X of the Revised Statutes Annotated as well as in the statutes generally, it shall henceforth be construed to mean the department of health and welfare, division of public health services.

**126-A:14 State Health Officer; Tenure of Incumbent.**

The transfer of powers from the state board of health to the department of health and welfare division of public health services, empowering the commissioner of health and welfare to appoint the state health officer shall not be construed to require reappointment of the state health officer in office on the effective date hereof, who shall continue to hold office subject to the provisions of RSA 125:19 and of this chapter.

**126-A:15 Treatment, Study, and Care of Inebriates; Transfer of.** All powers, duties, functions, personnel, records and property of the commission on alcoholism pursuant to RSA 172, are hereby transferred to the department of health and welfare, division of public health services.

**126-A:16 Commission on Alcoholism Abolished; Tenure of Commissioners.** The commission on alcoholism established pursuant to RSA 172:3 is hereby abolished. The tenure of the members of the commission shall terminate upon the appointment and qualification of the director of public health services.

**126-A:17 State Sanatorium; Transfer of.** All powers, duties, functions, personnel, records and property of the New Hampshire state sanatorium established pursuant to RSA 138, together with all of the functions, powers and duties of its trustees as therein and otherwise set forth, are hereby transferred to the department of health and welfare, division of public health services.

**126-A:18 Trustees of State Sanatorium Abolished; Tenure of.** The board of trustees of the New Hampshire state sanatorium established by RSA 138:2 is hereby abolished. The tenure of the trustees shall terminate upon the appointment and qualification of the director of public health services.

**126-A:19 Powers of Director of Public Health Services in Respect to State Sanatorium.** The director of the division of public health services within the department of health and welfare shall be a corporation, known as Director, New Hampshire State Sanatorium, with power to sue upon any contract to which it is by law authorized to be a party; to manage and control the property and concerns of the sanatorium; to appoint with the approval of the commissioner of health and welfare a superintendent who shall be a physician; to appoint, in accordance with the state personnel regulations and the provisions of sec-

tion 2 of this chapter, and within the limits available appropriations and funds, such assistants as he may, from time to time, deem necessary or proper; to take and hold in trust for the state any grant, devise, bequest or donation of property for the use of the sanatorium, or for the maintenance or help of any patient or patients therein; and to adopt with the approval of the commissioner of health and welfare such by-laws and rules as he may deem necessary or proper for the management of the business affairs and the government of the sanatorium: The transfer of the New Hampshire State Sanatorium to the department of health and welfare, division of public health services shall not be construed to require reappointment of the superintendent of the State Sanatorium in office on the effective date hereof, and said superintendent shall continue to hold office as though he had been initially appointed pursuant to the provisions of this act.

**126-A:20 Charges at State Sanatorium.** The charges for the support of patients in the sanatorium who are able to pay for their care and treatment shall be fixed by the director, division of public health services, with the approval of the commissioner of health and welfare.

**126-A:21 Water Pollution Commission: Transfer of.** The water pollution commission established pursuant to RSA 149, as amended together with all of its powers, duties, functions, personnel, records, and property, is hereby transferred to the department of health and welfare, division of public health services. Said transfer, however, is for the purpose of departmental organization and shall establish only administrative jurisdiction with the division of public health services. The water pollution commission shall continue to function within the division of public health services and nothing in this section shall be construed to lessen its authority or powers except that in succeeding fiscal years the preparation of its budget shall require the concurrence of the commissioner of health and welfare and it shall be subject to the provisions of section 2 of this chapter. The provisions of section 11 of this chapter relating to agency regulations shall be inapplicable to regulations promulgated by the water pollution commission.

**126-A:22 Department of Public Welfare; Transfer of.** The department of public welfare established pursuant to RSA 161, together with all its powers, duties, functions, personnel,

records and property, is hereby transferred to the department of health and welfare, division of welfare.

**126-A:23 Board of Public Welfare; Powers and Duties Transferred.** All of the functions, powers, duties, records and property of the board of public welfare are hereby transferred to and vested in the department of health and welfare, division of welfare. Wherever reference is made in the statutes to powers and duties of the board of public welfare it shall henceforth be construed to mean the director of the division of welfare within the department of health and welfare. The board of public welfare, established by RSA 161:3 is hereby abolished. The tenure of members of the board shall terminate upon the appointment and qualification of the director of the division of welfare.

**126-A:24 Commissioner of Public Welfare; Appointment and Tenure.** The commissioner of public welfare in office on the effective date of this act shall continue in office as director of the division of welfare, subject to the provisions of this act. His tenure and salary shall be as herein established for the director, division of welfare. All of the powers, duties, and functions heretofore performed by the commissioner of public welfare pursuant to any provision of the statutes shall henceforth be performed by the commissioner of health and welfare through the director of the division of welfare.

**126-A:25 New Hampshire State Hospital; Transfer of.** All of the powers, duties, functions, personnel, records and property of the New Hampshire state hospital as a corporation established pursuant to RSA 135 are hereby as a corporation transferred to and vested in the department of health and welfare, division of mental health. Trust funds transferred hereby shall be managed, expended and invested by the director of the division of mental health with the approval of the advisory commission and advice of the state treasurer.

**126-A:26 New Hampshire State Hospital; Trustees Abolished; Transfer of Powers; Tenure.** The board of trustees of the New Hampshire state hospital established by RSA 10:2, is hereby abolished. The tenure of the members of the board shall terminate upon the appointment and qualification of the director of the division of mental health, department of health and welfare. All of the powers, duties, records, property and func-

tions of the board of trustees are hereby transferred to and vested in the director of the division of mental health, department of health and welfare. Wherever reference is made to the board of trustees of the New Hampshire state hospital in any provision of the statutes, it shall henceforth be construed to mean the director of the division of mental health, department of health and welfare.

**126-A:27 New Hampshire State Hospital; Superintendent, Appointment and Tenure of.** With the approval of the advisory commission and of the commissioner of health and welfare, the director of the division of mental health shall nominate for appointment by the governor and council, a superintendent of the New Hampshire state hospital. The superintendent shall be the executive head of the state hospital. The superintendent in office on the effective date of this act shall continue to hold office subject to the provisions hereof as though he had been initially appointed pursuant to the provisions of this section.

**126-A:28 Commission of Mental Health Abolished.** The commission of mental health established by RSA 135:35 is hereby abolished. The functions, powers and duties heretofore performed pursuant to RSA 135:36, 37 and 38, and laws of 1947, c. 279, shall henceforth be performed by the director, division of mental health in consultation with the advisory commission established by section 8 of this act. All of the books, records and other property of the commission of mental health are hereby transferred to the director, division of mental health. The director of the child guidance clinic in office on the effective date of this act shall continue in office, subject to the provisions of this chapter, as though initially appointed pursuant to the provisions hereof.

**126-A:29 Laconia State School Trustees Abolished; Tenure.** The board of trustees of the Laconia state school established by RSA 10:2(supp) as amended by 1957, 146:3, is hereby abolished. The tenure of the members of the board shall terminate upon the appointment and qualification of the director of the division of mental health, department of health and welfare. Wherever the word "trustees" appears in RSA 171, as inserted by 1955, 314, it shall henceforth be construed to mean the commissioner of health and welfare, director of mental health.



**126-A:30 Laconia State School; Superintendent.** Upon nomination of the commissioner of health and welfare, after consultation with the director of the division of mental health, and with the approval of the advisory commission, the governor and council shall appoint a superintendent of the Laconia state school who, subject to the control of the commissioner, shall have charge of the lands, buildings, furniture, tools, implements, stock provisions, and other property of the institution. He shall keep, in suitable books, regular and complete accounts of all his receipts and expenditures, and of the debts, credits, contracts, and property of the institution, showing its income and expenses, and shall account to the commissioner annually, and at such other times as he may require, for all money received and paid out by him. Such accounts shall be specific, containing the dates and amounts of all receipts, and the date, quantity and price of every article purchased or procured. There is specifically excepted from the foregoing such accounts and accountability as is required otherwise by the department of administration and control. The superintendent shall be a constant resident at the institution, and he and subordinate officers of the school, under his direction, shall have the custody and charge of the scholars therein, shall discipline, govern, instruct and employ them, and shall use their best endeavors to preserve their health, promote their improvement in such studies, trades, and employments as may be suited to their ages and capacities, and to secure the formation of moral, religious and industrious habits. The superintendent of the Laconia state school in office on the effective date of this chapter shall continue in office, subject to all the provisions of this chapter as though initially appointed pursuant to this section.

**126-A:31 Laconia State School; Transfer of.** The Laconia state school, established pursuant to RSA 171(supp) as amended, with all of the powers, duties, functions, personnel, property and records of the board of trustees thereof, established by RSA 10:2(supp) as amended by 1957, 146:3, is hereby transferred to and vested in the department of health and welfare, division of mental health.

**126-A:32 Tuberculosis Commission Abolished; Transfer of Functions; Tenure.** The tuberculosis commission established pursuant to RSA 136:1 is hereby abolished. The tenure of its members shall terminate upon the appointment and qualification of the director of the division of public health

services, department of health and welfare. The functions, powers and duties heretofore performed by the tuberculosis commission pursuant to RSA 136 and RSA 137, shall henceforth be performed by the director of the division of public health services in consultation with the advisory commission. All of the books, records and other property of the tuberculosis commission are hereby transferred to the department of health and welfare, division of public health services. The director of tuberculosis control in office on the effective date of this chapter shall continue in office, subject to the provisions hereof, as though initially appointed by the director of the division of public health services. Wherever reference is made to the tuberculosis commission in any provision of the statutes, it shall henceforth be construed to mean the department of health and welfare, director of the division of public health services.

**126-A:33 Hospital Advisory Council Abolished; Transfer of Functions; Tenure.** The hospital advisory council established pursuant to RSA 151:10 is hereby abolished. The tenure of its membership shall terminate upon the appointment and qualification of the director of the division of public health services, department of health and welfare. The functions, powers and duties heretofore performed by the hospital advisory council pursuant to RSA 151:11 and any other provisions of the statutes, shall henceforth be performed by the director of the division of public health services in consultation with the advisory commission. All of the books, records and other property of the hospital advisory council are hereby transferred to the department of health and welfare, division of public health services.

**2 Children's Study Home, Administration of Transferred.** Amend RSA 134:1 by striking out said section and inserting in its place the following new section: 134:1 The provisions of this chapter shall be administered by the commissioner of health and welfare, division of mental health in consultation with the advisory commission. Wherever the word commission appears herein it shall be construed to mean the director, division of mental health, department of health and welfare.

**3 Transfer of Funds.** Any funds provided in the appropriation acts for the year ending June 30, 1962 and the year ending June 30, 1963, relating to services and facilities transferred to the department of health and welfare are hereby



deemed to be appropriated for the same purposes in the new department of health and welfare established herein. Provided, however, that specific sums appropriated for unclassified personnel, where the positions have been changed as to title and duties by this act or transferred by this act, shall be deemed to be appropriated for unclassified positions in the new department hereby created, as the governor and council shall approve.

**4 Appropriation.** In addition to other funds made available to the department of health and welfare there is hereby appropriated the sum of twenty-five thousand dollars, or so much thereof as may be necessary, for the fiscal year ending June 30, 1962, and a sum of thirty thousand dollars for the fiscal year ending June 30, 1963. Said sums shall be available for the salary of the commissioner of health and welfare, and for any increase in the salary of the director, division of public health services, and for any increase in the salary of the director, division of welfare over and above the amounts appropriated for corresponding positions within the budget acts, and for the salary of the director, division of mental health. Said appropriation shall be a charge upon funds in the treasury not otherwise appropriated.

**5 Salaries.** Amend RSA 94-1(supp) as amended by striking out the following line "Commissioner of public welfare, Minimum \$10,634. Maximum \$12,220." and inserting in the proper alphabetical place the following salaries:

	Minimum	Maximum
Commissioner of health and welfare	\$15,000	\$16,875
Director, division of public health services	14,000	15,875
Director, division of welfare	11,634	13,330
Director, division of mental health	14,500	15,875

**6 Repeal.** I. RSA 125: 6, 7 & 8, relative to the state board of health are repealed.

II. RSA 133: 1, 2 & 3, relative to the council of mental health are hereby repealed.

III. RSA 138: 1, 2 & 4, relative to trustees of the New Hampshire State Sanatorium are hereby repealed.

IV. RSA 161: 3 & 6, relative to the board and commissioner of public welfare are hereby repealed.

V. RSA 163 relative to inter-departmental committee on welfare and institutions is hereby repealed.

VI. RSA 17: 3 (supp) relative to superintendent of the Laconia state school is hereby repealed.

VII. RSA 172: 3, 4 and 5 relative to the commission on alcoholism are hereby repealed.

VIII. RSA 10-A (supp) as inserted by 1957, 164, relating to the board of institutions, corrections and hospitals is hereby repealed.

IX. RSA 10:2-a and 2-b, as inserted by 1957, 146, relating to trustees of the Laconia state school are hereby repealed.

X. RSA 136:1 relating to the tuberculosis commission is hereby repealed.

**7 Appropriation.** The sum of one hundred thousand dollars is hereby appropriated to the department of health and welfare, division of mental health, for implementation of the provisions of RSA 126-A:10. Upon the request of the commissioner, after consultation with the advisory commission and with the approval of the governor and council, transfers from this appropriation may be made to any appropriation within the department. This appropriation shall not lapse on June 30, 1962 but shall continue to be available for expenditures in the succeeding fiscal year. It shall be a charge upon any funds of the state not otherwise appropriated.

**8 Definitions.** Amend paragraph III of RSA 172 by striking out said paragraph and inserting in place thereof the following: III 'Commission' means the department of health and welfare, division of public health services.

**9 Authority of Governor and Council.** Provided that if further regulations and designations are required by the federal government in connection with eligibility of the Department of Health and Welfare to receive and use federal funds heretofore available to the existing agencies hereby merged or funds to be available to the new department, the Governor and Council are hereby authorized to adopt such regulations and to make such designations as may be required to effectively accomplish the purpose hereof.

**10 Effective dates.** Insofar as the limitation on filling vacancies is concerned as set forth in paragraph IV of RSA 126-

A:2 as hereinbefore inserted, the effective date shall be July 1, 1961. Insofar as the merger of departments, agencies and commissions is concerned, the remaining provisions of this act shall take effect as follows: The governor is authorized to issue a proclamation setting a time when said provisions shall take effect, provided that if such proclamation is not issued for an effective date prior to July 1, 1962, this act shall take effect as of that date.

Senator Humphreys offered the following amendment:

Amend the amended bill by inserting in section 1 RSA 126-A:2 III line 3 after the word "affected" the following words: and with the water pollution commission as it may be concerned, so that said subsection III reads as follows:

III. With the approval of the governor and council and of the personnel commission, and after consultation with directors of divisions affected, and with the water pollution commission as it may be concerned, the commissioner of health and welfare is authorized to transfer classified personnel, appropriations or portions thereof relating thereto, as well as necessary equipment, within or between any division of the department; provided, however, that no such transfer shall eliminate the classified position transferred.

The amendment was adopted.

Senator Gardner offered the following amendment:

Amend section 1 of Senate Bill No. 49 as amended by striking out under 126-A:6 Directors of Divisions the following: "and shall serve at the pleasure of the commissioner. As used in this section the phrase 'at the pleasure of the commissioner' shall be deemed to mean that the tenure of any director may be terminated by the commissioner with the approval of the advisory commission with cause. In such event the commissioner shall first cause to be delivered to the director a written notice of such termination of tenure which shall not be sooner than 90 days from the date of said notice. Upon its receipt the director shall have 30 days within which to request an executive hearing before the governor and council at which hearing the commissioner and representative of the advisory commission shall be present. At such hearing the sole issue shall be whether the commissioner and advisory commission

see fit to rescind the notification of termination and by conferring a right to a hearing this section shall not be construed to empower the governor and council with authority to rescind the decision of the commissioner.

“Mr. President:

Before action on this amendment I would like to explain my reason for presenting it. My objections in the beginning were as follows:

1. No provision for tenure of office
2. No qualifications for directors
3. No provision for appeals

As the State Board of Public Welfare will be abolished with the passage of this bill, this last provision is vitally necessary. At present the Board of Public Welfare hears all appeals. This is a mandate by the federal government contained in the Social Security Act under requirements in state plans. This is now provided for by the amendment on page 229, paragraph 9 and has been written by the attorney general. My above objections, with the exception of one, have been removed in the committee by the adoption of amendments submitted by me and other members of the joint committee. As you are aware, these have been printed in the Journal of March 2 and explained this morning by the Senator from the 24th District.

Last Thursday I met with the Governor and presented the above objections to the merger bill. After discussing the amendment I planned to submit to the joint committee, the Governor was very willing that it be accepted. However, only part of this amendment was adopted. I felt the most necessary change was not accomplished.

Last night I again met with the Governor and we carefully compared my original amendment with that printed in the Journal of March 2. When he met with the joint committee he was not aware that the amendment adopted was not the amendment previously agreed upon as acceptable to him. I might add the language in the bill was that proposed by the Study Committee.

With your acceptance of my amendment today and those printed in the Journal of March 2 I will have no further ob-

jection to the passage of Senate Bill 49. The Governor has a copy of the amendment you have before you.

His Excellency has instructed me to inform you that my amendment this morning is not only wholly acceptable but also desired by him. The bill will then carry out the intent of my original amendment as approved by him.

We have both made concessions, which I hope in the final analysis will prove to be in the best interests of state government.

His Excellency is very sincere in his belief that this merger bill will accomplish that result.

My impression was that he is cognizant of the fact that the person responsible for the merger will also bear the brunt of the criticism if those changes are not ultimately beneficial.

As a legislator I am in favor of reappraisal and improvement in government so long as that improvement does not needlessly or heedlessly hinder service to our people or hurt those who have given dedicated years of service to those same people.

Mr. President, I feel this bill with the amendments suggested by myself and others on the joint committee, along with the amendment which I present this morning, will benefit the people of our state. I now offer this amendment Mr. President, and urge its adoption."

Senator Battles: "As I understand this amendment, it clears up the language in the bill as reported by the Joint Committee. I think originally it was the intent of the Committee to do exactly what Senator Gardner is doing here. No objection by the Committee or by the administration to this amendment."

The amendment was adopted.

Senator Drake offered the following amendment:

Amend said bill by inserting in section 1 thereof, RSA 126-A:2 IV in line 41 of the printed bill after the word "council" the following words: Provided that after written notification of vacancies to be filled are received by governor and council from department directors, and if no action is taken on these requests within 30 days, the director of the division

concerned may fill such vacancy or vacancies forthwith, so that said sub-section IV shall read as follows:

IV. Except as may be specifically provided to the contrary in this act, nothing herein shall imply nor be construed to eliminate any position in the classified service of the state nor to reduce existing salary or emoluments attendant upon any classified position affected by transfer or merger under this chapter. Vacancies in classified positions occurring after July 1, 1961 in any department functions to be transferred to the new department of health and welfare shall not be filled without the approval of the governor and council, provided that after written notification of vacancies to be filled are received by governor and council from department directors, and if no action is taken on these requests within 30 days, the director of the division concerned may fill such vacancy or vacancies forthwith. No permanent classified employee in the state service upon the effective date of this act shall be required to take an examination to remain in his position.

"Mr. President, my purpose in offering this amendment is twofold. Basically, I see where it would be almost an impossibility for the Governor and Council to act on all these vacancies unless they were taken up on a broad basis. There were 600 vacancies in the State Hospital and Laconia State School in 1960, some 500 a month. If the Governor and Council is going to pass on these vacancies, some time will be involved. My intention is to prevent any authorized persons of this category from being bottled up in any committee or office. I think any director should be able to fill vacancies unless action is taken within a specified limitation of time."

Senator Battles: "Mr. President, the Governor has looked this amendment over and he agrees with the amendment and is willing to accept it."

The amendment was adopted.

Senator McMeekin offered the following amendment:

Amend said section by striking out the words "the commissioner of health and welfare" and inserting in place thereof the following words, the director of the division of public health services, so that said section as amended shall read as follows:

126-A:14 State Health Officer; Tenure of Incumbent. The transfer of powers from the state board of health to the department of health and welfare division of public health services, empowering the director of the division of public health services to appoint the state health officer shall not be construed to require reappointment of the state health officer in office on the effective date hereof, who shall continue to hold office subject to the provisions of RSA 125:19 and of this chapter.

Senator Caron requested a two minute recess, which was granted by the Chair.

(Recess)

The Senate reassembled.

On a *viva voce* vote, the amendment proposed by Senator McMeekin above was adopted.

The President recognized Senator Dunlap: "Mr. President, obviously this bill which was studied by a very capable committee of professional and knowledgeable people, must have merit. Further, the fact that it is overwhelmingly supported by those most closely affected, and has virtually no opposition, further attests to its merit. The study committee and the Committees of the Senate have worked out technical details and with them I have no disagreement. The principle, however, of eliminating Boards and Commissions which have served well for a considerable period of time, in my judgment, may not be good. I know, however, that the executive has very strong convictions on this matter and even though I disagree on this point, I will support the measure as a member of the Republican majority and because it is an administration bill. If the Governor is right in his judgment that better government will be obtained by the elimination of Boards and Commissions, then it may be that this bill does not go far enough. Reference has been made by the leadership that the question as to why the Department of Public Welfare has been included to the fact that in the federal government, Welfare is included along with Health. Therefore, it would seem that if we are going to copy the federal establishment, that the commissioner should serve at the call of the executive instead of for a definite term. This proposal does not portend to save money and in fact, provides for increased costs. This may be warranted if greater service



to the public results. It should not go unnoticed, however, that increased facilities and more business for the state will also result in greater costs than other areas. In other words, it is not reasonable to think that other departments doing a greater volume of business and providing new and additional services should be expected to operate for the same or less money year in and year out. It had been my intention to submit an amendment to provide that a dentist serve on the advisory board. However, the people who have advocated this have suggested that inasmuch as the committee is opposed to the idea unanimously, that they will not ask for representation. I repeat, that I differ with the philosophy that holds that we should abolish Board and Commissions because I think we will lose the very valuable services of a great number of dedicated citizens. However, I think that because the administration feels so strongly about this matter that we should give it a chance to see whether the results will be good or, as I suspect, not good."

The President recognized Senator Battles:

"Mr. President. As you all know, this is an administration measure. It has received continuous study since the last session of the Legislature. The Governor's Study Committee met throughout last year on numerous occasions, in preparation for the presentation of this bill. The Governor's Study Committee consisted of some of the most prominent people in the field of health, lay people, Legislators and members of State government.

Norman R. Brown, Chairman; Edward W. Colby, M.D.; Mrs. Ann J. Goodwin; Mrs. Winifred E. Hartigan; Leonard S. Hill; Earl K. Holt, M.D.; Francis W. King, Ph.D.; Roy Y. Lang; Rev. George J. W. Pennington; Mrs. Minnie B. Rennie; Conrad E. Snow; Simon Stone, M.D.; Robert J. Weiss, M.D.; Rev. David A. Works; Valance Wickens.

Representatives of all the State agencies included in the study were asked to meet with the Study Committee to explain the operation of their services and answer questions by the Committee Members. After completion of these hearings, each separate proposed Committee recommendation was thoroughly discussed, and agreement was reached before it was included in the report to the Governor. After study of the resulting report and recommendations, the Governor met with the Study Committee for a full discussion of both the Study Committee



recommendations, and his proposals for a Mental Health Division of the proposed Department of Health and Welfare. The administration has asked me to express its sincere feeling of appreciation for the completely dedicated manner in which various groups have objectively studied this proposal. This proposal has been approved by the NH Medical Society, NH Social Welfare Council, NH Hospital Association, Chairman of the Board NH Board of Trustees, NH State Hospital, League of Women Voters, Chairman of the Legislative Council Subcommittee studying reorganization, Secretary of the NH Dental Society, Superintendent of the NH State Hospital.

In conclusion, Mr. President, the Governor would like to publicly thank the Senate Joint Committees which studied this proposal for the tremendous amount of time and energy, which they devoted to studying this reorganization."

On a *viva voce* vote, the bill as amended was ordered to a third reading.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time, and when the Senate adjourns today, it be to meet next Wednesday morning at 11 o'clock.

### Afternoon Session

#### Third Reading & Final Passage of Bills & Joint Resolutions

Sb 49, establishing a department of health and welfare and providing for the merger therein of certain departments and agencies within the state government.

SB 65, providing that the State of New Hampshire may enter into a compact with any of the New England states to provide for the control, development and execution of programs of cooperation for the confinement, treatment and rehabilitation of offenders.

HB 4, relative to radiation protection.

HB 67, relative to taking of beaver by the use of traps only.

HB 126, authorizing selectmen and city councils to lay out limited access highways.

SB 39, relative to superstructures over highways in cities and towns.

SB 41, empowering and authorizing the town of Derry to establish a department of public works.

HJR 5, in favor of Harry L. Hurlbert.

SJR 5, in favor of Berton B. Hiller.

On motion of Senator Eaton, the Senate adjourned at 1:35 P.M.

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WEDNESDAY, MARCH 15, 1961

The Senate met according to adjournment.

#### Guests

As guests of the President and the Manchester Delegation, Attorney Maurice Broderick and Attorney James Sullivan, both of Manchester, N. H.

As guest of Senator Eaton, Captain Balcom Goodspeed of Stoddard, N. H.

#### House Message

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 65, relative to checklists for co-operative school districts.

HB 106, relative to frozen desserts.

HB 115, relative to non-forfeiture benefits and reserve valuations of life insurance policies and contracts.

HB 132, changing the name of Crescent Island in Lake Winnepesaukee to Little Six Mile Island.

The Message further stated that the House of Representatives refuses to concur with the Honorable Senate in the pass-

age of the following entitled bill, sent down from the Honorable Senate:

SB 5, relative to state and town bridge aid.

### **Read and Referred**

To the Committee on Education:

HB 65, relative to checklists for co-operative school districts.

To the Committee on Public Health, Welfare & State Institutions:

HB 106, relative to frozen desserts.

To the Committee on Banks & Insurance:

HB 115, relative to non-forfeiture benefits and reserve valuations of life insurance policies and contracts.

To the Committee on Resources, Recreation & Development:

HB 132, changing the name of Crescent Island in Lake Winnepesaukee to Little Six Mile Island.

### **Introduction, First & Second Reading of Senate Bills**

SB 89, to amend the charter of Cheshire County Savings Bank. (Eaton) To Banks & Insurance.

SB 90, establishing a minimum service retirement benefits. (Battles) To Finance.

SB 91, to amend the teachers retirement system. (Phillips) To Education.

SB 92, relative to retirement benefits for Hazel D. Lord, beneficiary under nomination of Edgar L. Lord. (Phillips) To Education.

SB 93, relative to the detention of children in the state prison. (Cleveland) to Judiciary.

SB 94, relating to the charter of Mount St. Mary's Convent of the Sisters of Mercy of Manchester. (Caron & Battles) To Resources, Recreation & Development.

### Committee Reports

Senator Phillips, for Judiciary:

SB 10, relative to penalty for intimidation of state officials and employees. Ought to pass with amendment.

Amend said bill by adding after the word "state" in line four of section 1 thereof the words, or any political subdivision thereof, so that said section as amended shall read as follows:

1 Offenses Against Public Officials and Employees. Amend RSA 587 by inserting after section 27 the following new section: 587:27-a Threats; Intimidation. If any person shall threaten or intimidate any officer or employee of the state or any political subdivision thereof, or any member of the general court, either before or after such member is qualified or takes his seat, with intent to influence his action as to any matter over which said officer, employee or member of the general court has control or is entrusted with on behalf of the body by which he is employed he shall be imprisoned not more than five years, or fined not more than three thousand dollars, or both.

Senator Cleveland: "Mr. President, I will speak on the amendment and the bill. This bill was introduced by Senator McMeekin and it was one of the first bills to be introduced. We have been holding this up for some length of time awaiting a report from the Attorney General's office relative to interpretation of the word 'intimidation.' The Committee felt that we would not consider this legislation if intimidation meant other than strong arguments for or against legislation. The Attorney General stated that this word 'intimidation' would mean physical force. The amendment simply includes the words, political subdivision, so that this would cover City Councils, etc."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Phillips, for Judiciary:

HB 95, relative to emergency admissions to state hospital. Ought to pass.

Senator Cleveland: "Mr. President, the purpose of this bill is to permit emergency admissions to the State Hospital

with only one doctor signing the certificate. The emergency is defined in the bill; Where a person is so disturbed that he is a threat to himself and his community. He may be violently incompetent. Some times in small towns, it is difficult to get hold of two doctors."

The bill was ordered to a third reading.

Senator Phillips, for Judiciary:

HB 96, relative to commitment, discharge and temporary absences of the mentally ill. Ought to pass.

Senator Cleveland: "Mr. President, this bill does two things; 1) It writes into the commitment law a provision of mental illness; mental illness to such an extent that a person requires medical treatment for his own welfare and others. It is already in the New Hampshire statutes — two years ago when we passed the mental compact law. Since then, this has been used by the courts in charging jury. 2) It changes the requirement that two doctors who examine someone must do so together. They may confer together but not examine at the same time. It is difficult in small communities to get two doctors together at the same time. They may confer before signing commitment papers."

Senator Lamontagne spoke in favor of the bill.

Senator Holmes inquired of Senator Cleveland: "Did the House change this bill?"

Senator Cleveland: "Yes, the bill as originally drafted called for a 10 day waiting period. The doctors felt that this was too long a period. Now the examination must be made within 24 hours."

The bill was ordered to a third reading.

Senator Phillips, for Judiciary:

HB 123, to repeal the capital reserve fund for the public library annex in Nashua. Ought to pass.

Senator Cleveland: "Mr. President, this bill was explained as a housekeeping transaction that had the approval of the Mayor and City Council of Nashua and the Representative from Nashua who introduced the bill."

The bill was ordered to a third reading.

Senator Phillips, for Judiciary:

HB 129, relating to the installation of public telephones on streets and public ways. Ought to pass.

Senator Cleveland: "Mr. President, this bill makes legal something that is already being done. That is, to establish these 'phone booths near the right-of-way of public streets. It is a non controversial bill. When the booths are installed on the city or town right-of-way, a percentage of the money is revenue to the city or town."

The bill was ordered to a third reading.

Senator Phillips, for Judiciary:

HB 144, in relation to Dartmouth College trustees. Ought to pass.

Senator Cleveland: "Mr. President, this is another non controversial bill. The trustees of Dartmouth College requested permission from the Legislature to increase the number of their trustees by four due to the heavy increase in their work load."

Senator Monahan: "I concur with what Senator Cleveland has said. No great disagreement in this legislation — it goes back to the Colonial Charter which is the law of the State and must therefore be amended by the General Court."

The bill was ordered to a third reading.

Senator Drake, for Public Health, Welfare & State Institutions:

HB 122, relating to the protection of public water supply sources. Ought to pass.

Senator Dunlap: "Mr. President, because the Chairman of the Committee was unable to be at the hearing and because the Vice Chairman was there, I will endeavor to explain the bill. This bill is advocated by the State Public Health officials; namely Bill Healey in the Water Pollution Commission, and is supported by most of the municipally owned or privately owned water companies of any great size. It would give the State authority to require that certain municipally owned or privately owned water companies acquire sufficient land to

keep from pollution, from surrounding land. The opposition to the bill came from one source and it was legal enough. The complaint was that around the Manchester reservoir, or the pond that supplies Manchester, that most of the town of Auburn had been bought up, with the result that many pieces of taxable property had disappeared and the surroundings had been damaged. The testimony of the opposition was to the effect that the Manchester water authority had been very considerate; had permitted restricted use of the land, and it was felt that if this bill passed, the surroundings might be jeopardized. The second part of the bill provides a more adequate penalty for trespass on such land. It provides a fine of \$50 and, as is well known to the Senate, trespass is a civil matter. This would provide that trespass on this type of land, where the possibility of contamination or pollution is present, a fine of \$50. In spite of the objection, the Committee voted the bill as ought to pass."

The bill was ordered to a third reading.

Senator Bunten, for Ways & Means:

SB 56, relative to motor vehicle fees. Ought to pass.

Senator Eaton: "At the present time, the power companies of New Hampshire have three huge trailers with facilities for emergency power thereon. These may be put to use in any community where there is a breakdown. These are used only on power breakdowns. There was no opposition. All were in support. The Commissioner would require a \$5 payment so that these vehicles may be moved when an emergency arises."

The bill was ordered to a third reading.

Senator Bunten, for Ways & Means:

HB 79, relative to pari mutuel pools at horse races. Ought to pass.

Senator Eaton: "Mr. President, this bill extends pari mutuel privileges in the State of New Hampshire for 10 years above and beyond the present law from 1966. In 1953, they extended the pari mutuel privileges to 1966 because of an extensive remodeling and rebuilding program. At that time, they had a million dollar program. Now the New Hampshire Jockey Club is still paying on that reconstruction finance deal. The

track plans a new million expenditure. This will allow the same type of financing that was accomplished in 1953."

The bill was ordered to a third reading.

Senator Cheney, for the Committee on Finance:

SB 87, to appropriate sufficient money to enable the State to make an equal contribution to the local communities to the expense of establishing an Eastern Slopes Regional Airport. Ought to pass.

Senator Cheney: "Mr. President, this bill was introduced the other day by the Senator from the 4th District and is an emergency bill — only 30 days allowed to the time of the opening. The Aeronautics Commission has appropriated \$10,000 but were unable to provide the other some \$4,000 — I submit the following breakdown of the figures, if the Senators are interested."

In accordance with your request there follows the breakdown of contributions to the cost of constructing the Eastern Slopes Regional Airport at Fryeburg, Maine as reported to this office:

State of New Hampshire .....	\$10,000.00
Towns of Albany, Bartlett, Conway .....	14,911.71
Jackson and Hunts Location, N. H.	
County of Oxford, Maine .....	15,000.00
Towns in Maine .....	28,000.00
State of Maine .....	74,000.00
	<hr/>
	\$142,711.71
Needed from State of New Hampshire to match	
N. H. Towns' funds .....	4,911.71
	<hr/>
	\$147,623.42
Matching Federal Funds .....	147,623.42
	<hr/>
TOTAL .....	\$295,246.84
Estimated Cost of Project .....	\$294,493.68

(Fryeburg Selectmen's Letter to  
Senator Sawyer 2/24/61)

It appears that this \$4,911.71 will make up sufficient funds for the project. I am sure you understand that an equal amount



in Federal funds will be available, so this appropriation by the State actually represents \$9,823.42 toward the cost of the project.

Senator Monahan: "Mr. President: I rise in support of the Finance Committee's endorsement of the appropriation bill introduced last Thursday by the Senator from the Fourth District. I do so for the simple reason that this measure provides state funds to match local contributions for the development of a regional airport. I understand this is the same procedure followed in every other New England state.

"Matching funds were also appropriated in House Bill 55 of the 1959 session, which I co-sponsored and spent more time upon than any single measure in that year, as the chairman of the Ways and Means Committee readily recalls. Then, this same principle was rejected by the administration and the only basis upon which state funds could be secured for expanding the Lebanon Regional Airport was on a loan basis, to be repaid by the \$1 emplaning fee. This alternative had to be accepted or the entire Lebanon project would have collapsed despite Federal and local participation.

"Now, if a somewhat similar regional airport, is benefitted with outright grants, rank discrimination and unfair competition will result and the need to eliminate the emplaning fee requirement at the Lebanon Regional Airport should be apparent.

"This Eastern Slopes Regional Airport is actually located in Fryeburg, Maine, so we are spending state funds in another state. However, I still don't object to that procedure, because the state of Vermont has granted funds matching contributions by Vermont towns in the amount of \$16,500 to the Lebanon Airport, even though located in New Hampshire.

"Mr. President: Because the pending proposal represents a significant change in administration policy toward airport financing and because we voted on Thursday last to dispense with printing of this bill, may I ask that at least it be printed in the JOURNAL for today, so there may be some public record of the terms under which this substantial appropriation is to be made?"

The President granted the request of Senator Monahan.

## SENATE BILL 87

An Act to appropriate sufficient money to enable the state to make an equal contribution to the local communities to the expense of establishing an Eastern Slopes Regional Airport.

(Introduced by Senator Sawyer)

1 The sum of four thousand nine hundred eleven dollars and seventy-one cents is hereby appropriated to be expended by the New Hampshire Aeronautics Commission, together with ten thousand dollars from the funds of said commission, to contribute to the establishment and construction of the Eastern Slopes Regional Airport to be constructed in the town of Fryeburg, Maine, so that the state's contribution to the establishment of said airport shall equal the sum contributed thereto by the local communities in New Hampshire in said region. The governor is hereby authorized to draw his warrant for said sum from any money in the treasury not otherwise appropriated.

2 Takes Effect. This act shall take effect upon its passage.

The bill was ordered to a third reading.

**Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills and House Joint Resolutions:

HB 3, relative to definition of adulteration of milk and milk products.

HB 56, eliminating the requirement for certain reports of the State Board of Health.

HB 67, relative to taking Beaver by the use of traps.

HB 126, authorizing selectmen and city councils to lay out limited access highways.

HB 152, relative to collection of taxes on real estate when such sale is of less than the whole estate.

HB 224, relative to the Amherst school district.

HJR 5, in favor of Harry L. Hurlbert.

HJR 6, for appropriation for carrying out provisions relative to regional agreements for educational facilities for New Hampshire residents.

SB 9, relative to the duties of the state historical commission as to erection of historical signs.

SB 25, relative to fees for fish and game licenses, and eliminating the so-called license stamp.

SB 27, relating to the salary of the mayor of the city of Nashua.

SB 46, relative to assessment of taxes.

Marion L. Phillips  
For the Committee

### Resolution

Senator Paquette offered the following Resolution, which was unanimously adopted by a standing vote:

### RESOLUTION on the death of ARTHUR O. BURQUE

*Whereas*, Arthur O. Burque, resident of Nashua, has passed away, and

*Whereas*, He was a former member of the Senate, therefore be it

*Resolved*, That we, the members of the Honorable Senate of the General Court of New Hampshire, hereby pay tribute to said former member of the Senate for his services to his city, state and the general public, and extend our sympathy to his family in its bereavement, and be it further

*Resolved*, That the Clerk of the Senate transmit to his family a copy of these Resolutions.

### Special Order of Business for 11:01 O'clock

Senator McMeekin called for the Special Order of Business.

SB 13, relative to variance in federal census figures for the apportionment of state representatives.

Question being: On motion of Senator Humphreys that the above entitled bill with proposed amendment be referred to the Committee on Executive Dept., Municipal & County Government.

Senator Eaton: "Mr. President, I move that the above motion be amended to refer the bill to the Joint Committee of Finance and Executive Dept., Municipal & County Government. I will preface my statement that I was for this bill and will still be for it. Last week, I talked with Paul Hendricks from Planning & Development and inquired how they were going to accomplish this survey. I have a two page communication and a quotation that the money must be appropriated. On that basis, I have moved to recommit this bill to Joint Finance & Executive Dept., Municipal & County Government."

Senator Humphreys: "Mr. President, I would move to amend the motion to amend. I believe that Senator McMeekin, who is a member of the Committee to make this re-apportionment, that it would be a very fine thing if this bill was committed to Joint Finance, Executive Dept., Municipal and County Government and with the addition of Senator McMeekin to that committee, so that committee can really go through this thing and review it from all angles. Some mistakes have been made and I believe the whole thing can be straightened by its being referred as above."

Senator Cheney spoke against the bill being referred again to the Finance Committee, and moved that it be laid on the table.

Senator McMeekin inquired: "When can the bill be taken from the table?"

The President: "At any time by a two-thirds vote. It requires a majority vote to lay on the table and a two-thirds vote to take off the table."

On the motion of Senator Cheney to lay on the table, the Chair was in doubt and requested a Division.

Eight Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the negative prevailed, and the motion was lost.

Question now being on motion of Senator Humphreys:

Senator McMeekin: "I am in opposition to the referral to any further Committees. I believe that the Senate has had this bill long enough to make up their minds one way or another what to do. I also have the letter from P. & D. as does Senator Eaton. They are making a very complicated business out of something that is simple. New Hampshire has the right to take its own census. We only want to make adjustments in those places where it is very obvious that things are not anywhere near what they should be. This applies only to electing Representatives. Nothing else. We have no difficulty in finding out the residents in the matter of the head tax or when we issue a fish and game license. I can see no complicated thing there. The bureau of the federal census have already furnished to the P. & D., giving figures for those at Pease, at Grenier, Rye, etc. We do not need to go any further than that. . . ."

Senator Lamontagne spoke in opposition to the motion of Senator Humphreys.

(Discussion ensued)

Question being on amendment offered by Senator Humphreys.

Senator Humphreys: "It seems the majority is not in favor of the amendment so I will withdraw my amendment."

Question now being on adoption of amendment offered by Senator Eaton.

Senator Eaton withdrew his amendment.

Question now being on adoption of amendment offered by Senator McMeekin.

On a *viva voce* vote, the amendment was adopted.

The bill being on its second reading, was open to amendment.

Senator Humphreys offered the following amendment and spoke in favor of its adoption: "There are a great many things wrong with this bill — the name of the bill is incorrect."

Add the following:

If any "suitable adjustments to the general census on account of non-residents temporarily residing in this state" are

made under the authority of Article 9-a part second of the constitution, no person or member of his immediate family residing with him shall be excluded from the official count of the general census if he was entitled or qualified to vote in this state on the date the general census was taken.

Senator McMeekin: "I would oppose the amendment. This bill should go to the House and let the House take care of this matter. The wording of the amendment — is not workable. Not necessary to accomplish the purpose of adjusting the apportionment for membership in the House."

Senator Cleveland: "I must say this, I think this is primarily a matter for the House and I don't think the Senate has any business wasting so much time on it."

On a *viva voce* vote, the negative prevailed, and the amendment was not adopted.

Senator Humphreys offered the following amendment:

If any suitable adjustments to the general census are made on account of nonresidents temporarily residing in this state under the authority of Article 9-a, Part Second of the Constitution, such adjustments shall be consistently applied throughout the state without discrimination against any particular town, ward, group, type or class of persons.

(Discussion ensued)

On a *viva voce* vote, the negative prevailed, and the amendment was not adopted.

Senator Humphreys offered the following amendment:

Before any "suitable adjustments to the general census" on account of "nonresidents temporarily residing in this state" are made under authority of Article 9-a, Part Second of the Constitution, clear and comprehensive definitions of these two quotations shall be established by an enactment of the legislature or by an opinion of the attorney general or by a decision of the state supreme court and any adjustment to the general census for the purpose of making apportionment of representatives to the legislature shall be made on the basis of such a definition, provided that correction of positive errors in general census figures that are acknowledged by the census authorities may be considered as suitable adjustments.

(Discussion ensued)

On a *viva voce* vote, the negative prevailed, and the amendment was not adopted.

Senator Cleveland moved the previous question. Seconded by Senator Lamontagne.

On a *viva voce* vote, the motion carried.

Senator Humphreys inquired if this meant that no further amendment could be offered.

The President replied in the affirmative.

Senator Humphreys requested Senator Cleveland to withdraw his motion.

Senator Cleveland declined and stated that the motion had already been voted on.

Senator Humphreys, personal privilege: "I just want to point out that in the bill even the language is not consistent with the constitution. . . ."

Question being on motion of ordering the bill to a third reading.

On a *viva voce* vote, the affirmative prevailed.

Senator Humphreys presiding.

Senator Battles: "Mr. President, the Senator from the 7th District has received a communication from the N. H. Social Welfare Council and the League of Women Voters for N. H., that their organizations support only those sections of SB 49, An Act to create a department of health and welfare, pertaining to mental health. They have not studied the public health and welfare aspects of the bill and have no position on them.

"In view of my statement on page 240 of the Journal for Thursday, March 9, I am calling this to the attention of the Senate."

Senator Green: "Last Thursday, I asked the members of the Senate to consider the proposition of a 4 day week for work, starting April 1st. I based that on the information that by the end of this week or next week, we would have the budget bills and possibly another merger bill. It appears that this is not to be so. I felt that if we had the budget we could go on a 4 day



week starting April 1st. However, I was told today that the budget bills are just being written up and will not be printed until the end of the week. So we may not receive them in time for April 1st. I do not like to see legislation passed without a thorough study. It appears now that we will not get the budget bills and maybe not the merger bill, so to go on a 4 day week on April 1st would be a waste of State's finances. We will not be able to get the bills through the House. Every Senate Committee has done an excellent job in setting up all bills for hearing. We are ahead of schedule. We are doing our job, but unfortunately we must wait to get the bills from the House. I do expect and I think the House may do likewise — on May 1st, we will start on a 4 day week."

Senator Cleveland: "Mr. President, I am opposed to a four day legislative week as I think it unnecessary. If we truly want a short session then controversial bills should be referred to interim study groups and it should be agreed we will meet early next year in Special Session. The Special Session should be one of limited agenda, e.g., it could deal only with the reports of interim study groups and make any corrections in the budget that may be absolutely necessary or treat only with emergencies. Such a plan would result in shortening this session and saving more than enough money to pay for the Special Session."

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time.

### Afternoon Session

#### Third Reading and Final Passage of Bills

SB 10, relative to penalty for intimidation of state officials and employees.

SB 13, relative to variance in federal census figures for the apportionment of state representatives.

Senator Humphreys desired to be recorded as voting against the passage of the above bill.

SB 56, relative to motor vehicle fees.

SB 87, to appropriate sufficient money to enable the State to make an equal contribution to the local communities to the expense of establishing an Eastern Slopes Regional Airport.



Senator Eaton: "Mr. President, personal privilege. I had planned to move reconsideration of the above bill when ordered to a third reading and was going to offer an amendment which would require the airport authority to include the dollar and planing fee to pay back this grant or loan. Then I discovered this airport was located in Maine. I am opposed to this method of doling money, whereas last year as Senator Monahan has said—there was a great hassle about the Lebanon airport. At that time, the administration would allow no money for airports unless there was a pay back provision. This airport being in Maine, we can do nothing about it. I am opposed to the method, but not to the bill."

HB 79, relative to parimutuel pools at horse races.

HB 95, relative to emergency admissions to state hospital.

HB 96, relative to commitment, discharge and temporary absences of the mentally ill.

HB 122, relating to the protection of public water supply sources.

HB 123, to repeal the capital reserve fund for the public library annex in Nashua.

HB 129, relating to the installation of public telephones on streets and public ways.

HB 144, in relation to Dartmouth College trustees.

The President: "I wish to call the attention of the Senate to the display on the desk of Senator Gardner. As I understand it, the little alcove contains the picture of the Senate in session and the names of each Senator. This was given to Senator Gardner by the Emblem Club of Laconia and I think it was a nice gesture. I congratulate Senator Gardner in having completed her term of office as President of the Emblem Club."

On motion of Senator Paquette, the Senate adjourned at 1:10 P. M.

THURSDAY, MARCH 16, 1961

The Senate met according to adjournment.

### Leave of Absence

Senator Humphreys was granted leave of absence for the day on account of illness.

### Guests

As the guest of Senators Monahan and Eaton, Mr. Andrew J. Ferguson, Chief of Police, Hanover.

As the guest of the entire Senate, former Senator from the 8th District, Joseph Vaughan of Newport.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 246, relative to absentee voting.

HB 228, relative to immunities of members of the national guard.

HB 233, pertaining to taxation of fallout shelters.

The Message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 28, relating to bonds for housing projects and redevelopment projects.

SB 36, to apply the principles of home rule to the establishing of salaries of city officials and employees.

### Read and Referred

To the Committee on Judiciary:

HB 246, relative to absentee voting.

To the Committee on Military & Veterans Affairs:

HB 228, relative to immunities of members of the national guard.

To the Committee on Ways & Means:

HB 233, pertaining to taxation of fallout shelters.

### **Introduction, First & Second Reading of Senate Bills**

SB 95, requiring an executor to execute and record a deed of bequeathed property. (Phillips, by request) To the Committee on Judiciary.

SB 96, to require notation of line agreements. (Phillips) To Committee on Judiciary.

SB 97, relative to powers of county commissioners over parking areas at county court houses. (Green) To Committee on Judiciary.

SB 98, relative to mufflers on motor vehicles. (Battles) To Committee on Transportation.

SB 99, to regulate the sale and use of hydraulic brake fluids for motor vehicles. (Battles) To Committee on Transportation.

SB 100, relative to notice of cutting and report of cut under the so-called timber tax law. (Battles) To Committee on Ways & Means.

SB 101, prohibiting use of certain boats on Abbott Forest pond in Stoddard. (Eaton) To Committee on Resources, Recreation & Development.

SB 102, establishing a division of boards and commissions within the department of administration and control. (Battles & Caron) To the Joint Committee of Executive Dept., Municipal & County Government and Finance.

### **Committee Reports**

Senator Phillips, for the Committee on Judiciary:

SB 78, relative to investments legal for trustees. Ought to pass.

Senator Cleveland: "Mr. President, this bill is carefully discussed on pages 25 through 28 of the 8th report of the Judicial Council, a copy of which all Senators have. Briefly, the bill

broadens the investment authority of trustees and adopts what is known as the prudent man rule. Now adopted by 31 states, including all of the New England states."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

SB 79, relative to investments legal for guardians and conservators. Ought to pass.

Senator Cleveland: "Mr. President, this bill is discussed on pages 29 through 31 of the 8th report of the Judicial Council and briefly, this bill does the same for guardians and conservators as the previous bill does for trustees."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

SB 80, relative to the homestead right of minor children. Ought to pass with amendment.

Amend said bill by adding in section 5 after the words "RSA" the numbers, 480:3, so that said section as amended shall read as follows:

5 Repeal. RSA 480:3; 480:5; 480:6 and 480:8, relating to the homestead right of minor children, are hereby repealed.

Senator Cleveland: "Mr. President, I will speak briefly on the amendment which is purely technical; corrects a typographical error which probably the Engrossed Bills Committee could have corrected. The bill is another Judicial Council bill which is described at length on pages 19 through 23 of their 8th report. They summarize their report by saying that we feel it is imperative that some action be taken on this matter. This will clear up many title defects on important property."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 27, for emergency location of state and municipal government. Ought to pass.

Senator Cleveland: "Mr. President, there are some town and city charters that specify that legal action by the governing boards must be taken within the town and city limits. This bill

permits that when an emergency occurs, the city fathers can move over into another town and conduct their business."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 52, to authorize towns to adopt fire prevention code by reference. Inexpedient to legislate.

Senator Cleveland: "Mr. President, this bill would permit towns to adopt by reference fire prevention codes which means by a simple insertion in an article in the warrant whereby an entire code could be adopted. The Committee was concerned because we thought it would be too much for towns to go ahead with and they might not fully know what they were doing. In reading, we found many things that the voters would want to know more about instead of adopting by one sentence in the warrant."

Senator Drake inquired of Senator Cleveland: "Under the present law, the town could then adopt such a fire code without action by the Legislature, if they so desired?"

Senator Cleveland: "Yes, indeed, but it would have to be posted and printed before being acted on."

The recommendation of the Committee, Inexpedient to Legislate, was adopted.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House Bills:

HB 79, relative to pari mutuel pools at horse races.

HB 129, relating to the installation of public telephones on streets and public ways.

HB 144, in relation to Dartmouth College trustees.

Marion L. Phillips  
For the Committee

### **Concurrent Resolution**

Senator Lamontagne offered the following Concurrent Resolution:

*Whereas*, the 1961 Legislature of the State of Maine is the One Hundredth Session of said Legislature; and

*Whereas*, the 1961 General Court of the State of New Hampshire is the One Hundred Thirty-Seventh Session of said General Court, now therefore be it

*Resolved*, by the General Court of the State of New Hampshire, that: as the older of these two sister legislatures it extends to the Legislature of the State of Maine its congratulations and best wishes on this its One Hundredth Anniversary, and be it further

*Resolved*, That a copy of these resolutions be transmitted to the Governor of the State of Maine, the President of the Senate of the Legislature of the State of Maine, and the Speaker of the House of the Legislature of the State of Maine.

Senator Lamontagne: "Mr. President, I believe that the Resolution speaks for itself. I introduced it in order that the Legislators in neighboring state may know that we are thinking of them and that we wish them well in celebrating the One Hundredth Session of their Legislature."

On a *viva voce* vote, the above Concurrent Resolution was unanimously adopted.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be made in order at the present time.

### Afternoon Session

#### Third Reading and Final Passage of Bills

SB 78, relative to investments legal for trustees.

SB 79, relative to investments legal for guardians and conservators.

SB 80, relative to the homestead right of minor children.

HB 27, for emergency location of state and municipal government.

On motion of Senator Paquette, the Senate adjourned at 11:40 A.M.

FRIDAY, MARCH 17, 1961

The Senate met according to adjournment.

### **Leaves of Absence**

Senator Monahan was granted leave of absence for the day on account of important business.

Senator Humphreys was granted leave of absence for the day on account of illness.

### **Guests**

As the guest of Senator Eaton: Dr. Earl Christenson, Silver Spring, Maryland, retired Air Force Colonel.

As the guest of Senator Bergeron, Mr. Jack Dwyer in the gallery.

### **Introduction, First & Second Reading of Senate Bill and Resolution**

SB 103, requiring earlier application by voters demanding insertion of an article in the warrant. (Bunten, by request) To the Committee on Judiciary.

SJR 9, to provide protection for Boar's Head at Hampton. (Battles) To the Committee on Finance.

### **Committee Reports**

Senator Bergeron, for the Committee on Banks & Insurance:

SB 33, relating to fraternal benefit societies. Ought to pass with amendment.

Amend SB 33 by inserting after paragraph 1 thereof the following new paragraph:

2 Licensing Provisions. Amend RSA 418 by inserting after section 5 thereof the following new section: 418:5A. Licensing of Agents. I. The phrase "company" or "life insurance company", as used in RSA 408:5 shall be deemed to include fraternal benefit societies, whether foreign or domestic. II. Any agent of a fraternal benefit society, whether foreign or domestic, who shall so act within this state, shall be licensed

by the insurance commissioner in accordance with the provisions of RSA 402:15-23. III. Any person who acts in violation of this section shall, in addition to any penalties or forfeiture within the power of the insurance commissioner, be subject to the provisions of RSA 408:8.

Further amend said SB 33 by renumbering paragraph 2 to read 3 so that said paragraph shall read as follows:

3 Takes Effect. This act shall take effect sixty days after its passage.

Senator Dunlap: "Mr. President, this bill was filed by Senator Provost and it intended and provided that fraternal organizations in the state of New Hampshire might sell life insurance policies in excess of the statutory limitation of \$5,000 or \$10,000 double indemnity. The fraternal and mainly the Senator was interested in the A.C.A. to provide several benefits to their members; not only direct life insurance, but health, accident and burial benefits. Under the present statutes, they may not sell policies in excess of \$5,000. When the bill was proposed, it had the opposition of the New Hampshire Life Underwriters. The opposition finally consulted with the proponents, with the result that a satisfactory amendment was sponsored and submitted to the Committee. The Committee felt that this bill as originally filed was not good, but when the amendment was provided, they felt that it was good. The bill would repeal the limitation on the amount of life insurance a fraternal society could sell to a member, but at the same time, would require the society's agent to be licensed by the State Insurance Commissioner. It would make the fraternal's insurance program subject to the same type of supervision as other insurance companies. There will be some opposition from some of the smaller fraternal not domiciled here. However, it seems in the public interest that once a fraternal enters the field of insuring lives that it is just as essential that the people engaged should be licensed under the same provision as that for local companies. For this reason, the Committee reports that this bill ought to pass as amended, unanimously. If there are any questions, I will try to answer them."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Bergeron, for the Committee on Banks & Insurance:



SB 54, concerning benefits provided by fraternal benefit societies. Inexpedient to legislate.

Senator Dunlap: "Mr. President, this bill is very similar to the bill that we have just passed. It provides some additional privileges to fraternal not provided in SB 33. It further provides or suggests that there be no limitation on the amount of insurance that the fraternal might offer and sell. It objects to the licensing provision which the Committee felt was essential in SB 33. For the reason that SB 33 was adopted, it would be inconsistent to report SB 54 in with other than inexpedient to legislate."

On a *viva voce* vote, the recommendation of the Committee, Inexpedient to Legislate, was adopted.

### Senate Resolution

Senators Eaton and Dunlap offered the following Senate Resolution:

#### STATE OF NEW HAMPSHIRE

##### SENATE RESOLUTION

*Be it hereby resolved*, by the Senate of the 1961 New Hampshire General Court, that:

1 The compensation of the legal counsel of the senate is hereby fixed at the rate of one thousand dollars per month during the time this general court is in session.

Senator Eaton spoke in support of the above Senate Resolution and stated that it was offered to confirm to RSA 14:5 A relating to the salary of the Counsel of the Senate.

Senator Caron inquired: "If the Resolution passes, will it be referred to the Finance Committee?"

The President replied in the affirmative.

Senator Eaton inquired: "Is this referral to the Finance Committee obligatory or is it a ruling of the President?"

The President: "Any resolution or bill requiring the expenditure of funds is referred to the Finance Committee unless the rules are suspended."

Senator Eaton: "I would like to have the vote of the Senate on it. I would request that when the Senate Finance Committee discusses this Resolution that I be granted the courtesy of appearing, if I may."

Question being on adoption of above Resolution.

Senator Eaton: "In the interest of harmony, I would move that this be made a Special Order of Business for next Tuesday morning at 11:01 o'clock."

Senator McMeekin: "As I understood, the Senate votes on this and then it is referred to Finance. After it is adopted, I see no reason for its being sent to the Committee. If it is to be referred, it should be done immediately."

The President: "It has been pointed out to me that the rule applies to Joint Resolutions and bills; whereas the Senate sets the salary."

(Discussion ensued)

Senator Dunlap: "Mr. President, I think it is only fair to the Senate Counsel to point out that when this was first discussed, he felt that it might be embarrassing to him. He took the job at the salary quoted. I think he would have been more comfortable if this had not been introduced."

On the motion for Special Order, the affirmative prevailed, and the motion carried.

### Resolution

Senator Daniel, for the Senatorial Delegation from Manchester offered the following Resolution:

#### IN HONOR OF ST. PATRICK'S DAY

*Whereas*, Today is March 17, St. Patrick's Day, the Patron Saint of the Irish, and said St. Patrick is alleged to have driven all snakes from the old sod,

*Now therefore be it resolved*, That we, the members of the Honorable Senate of the General Court of New Hampshire, hereby pay tribute to and honor the said St. Patrick and his accomplishments, and be it further

*Resolved*, That a copy of this Resolution be transmitted to whomsoever the President may direct.

On a *viva voce* vote, the above Resolution was unanimously adopted.

Senator Caron: "Mr. President, in behalf of the entire Senate and the attachés, we wish to thank you very, very much for our corsages — they are very lovely."

Senator Holmes requested that the Senators be furnished for consideration next Tuesday information relative to the pay of the attachés of the Senate and House, in connection with the Special Order.

Senator Cleveland requested also information relative to hours and duties of the attachés.

The President expressed his thanks to Senator English for the decorated cupcakes in honor of St. Patrick's Day which were furnished to the Senators and to the attaches and stated that he assumes that this is a sample of the meal that the Senator will furnish if our deliberations are completed by June 1st.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time and when the Senate adjourns today, it be to meet next Tuesday morning at 11 o'clock.

### Afternoon Session

#### Third Reading and Final Passage of Bill

SB 33, relating to fraternal benefit societies.

On motion of Senator Paquette, the Senate adjourned at 11:50 A.M.

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TUESDAY, MARCH 21, 1961

The Senate met according to adjournment.

#### Guests

Guests of Senator Bergeron, Earl and Janet Corson of Rochester.

Guests of Senator Holmes, 8th grade, New Ipswich school.

Guest of Senator Bunten, former Senate attaché Charles Woodbury of Hooksett.

Guests of Senator Battles, Mr. Richard Huntress and sons Richard and Randy of Atkinson.

Guest of Senator Drake, Mr. George Langley of Groveton, N. H.

Guest of Senators Holmes and Bunten, Miss Margaret Rice of Goffstown, student at Cushing Academy.

Guests of Senator Monahan, senior class of Lebanon High School of Government and World Affairs.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 147, relative to the eligibility for release on parole at the expiration of the minimum term.

HB 263, relative to the fire department of the city of Franklin and to salary of the city treasurer.

The Message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill:

SB 87, to appropriate sufficient money to enable the State to make an equal contribution to the local communities to the expense of establishing an Eastern Slopes Regional Airport.

### Read and Referred

To the Committee on Judiciary:

HB 147, relative to the eligibility for release on parole at the expiration of the minimum term.

HB 263, relative to the fire department of the city of Franklin and to salary of the city treasurer.

**Introduction, First & Second Reading of Senate Bill**

SB 104, relative to jurisdiction of state over air bases.  
(Cleveland) To Judiciary.

**Committee Reports**

Senator Bergeron, for Banks & Insurance:

HB 128, establishing the unauthorized insurers false advertising process act. Ought to pass.

Senator Dunlap: "Mr. President, this bill would give the Insurance Commissioner power of regulating unlicensed insurance companies doing business in New Hampshire. Perhaps the best way to explain the bill is to use a brief example. A Missouri company may be licensed to do business and sell insurance in Missouri. It may not be licensed in New Hampshire, that is, may do its business through the mail. Because the mails are open and free to anybody in the United States, the company may solicit insurance in New Hampshire. If during the solicitation, a gross injustice, false advertising or misleading advertising, etc. there is nothing that he can do because there is no legislation to be invoked. This legislation is recommended by the National Association of Insurance Commissioners so that the Commissioners of all states may adequately police the industry. The absence of this type of legislation in the several states will bring pressure for federal regulation. The Commissioner in this State does a good job. I think our laws are well regarded and respected and should we pass this bill, it will close what appears to be a wide loophole and it will continue with the Commissioner the right to supervise and control all insurance within the State, although solicited by an unlicensed company."

The bill was ordered to a third reading.

Senator English, for the Committee on Claims:

SJR 4, in favor of Ramona Terranova. Inexpedient to legislate.

Senator English: "Mr. President, Mrs. Terranova, while going from one picnic table to another, slipped on some wet leaves, broke her ankle and had some immediate expenses for doctors' bills, etc., running something over \$100.00. She was incapacitated for some eight weeks.

"The committee did not feel that the claim for \$5,000 was justified; there was no indication of negligence."

On a *viva voce* vote, the recommendation of the Committee, inexpedient to legislate, was adopted.

Senator English, for the Committee on Claims:

SJR 7, in favor of William S. St. Cyr. Ought to pass.

Senator English: "Mr. President, State Trooper St. Cyr of the State Police injured his knee while getting into his patrol car. It bothered him considerably over a period of months but he endured the pain and did not seek medical advice. Three months and twenty days later he found himself unable to carry on and sought medical advice. At that time the Workmen's Compensation coverage had expired.

"The committee felt that the trooper in carrying on his duties, although suffering some pain, was doing his duty to the state and that he should not be penalized because a technicality in the law made him ineligible for assistance."

The Senate Joint Resolution was ordered to a third reading.

Senator Drake, for Resources, Recreation & Development:

HB 120, providing for the classification of certain surface waters of the Piscataqua River watershed. Ought to pass.

Senator Monahan: "Mr. President, this bill contains classification recommendations for the largest watershed area (900 sq. mi. (Maine and New Hampshire) considered by the Water Pollution Commission to date. It concerns directly six Senatorial Districts: 4th, 20th, 21st, 22nd, 23rd and 24th. It also represents the greatest area in terms of potential resource development. There have been many studies of the Piscataqua-Great Bay Region by the Planning & Development Commission, the Water Pollution Commission, and others, all of which point up the need to correct the pollution problem before the citizens of the State and the Seacoast Area can realize on the recreation, bathing, shellfish and related uses which could be enjoyed in these waters. The dollar values which will accrue because of these developments are far in excess of the cost of the necessary pollution control facilities.

"The Commission held two well-attended public hearings which were marked by a preponderance of testimony in favor of the proposed classifications. Industry, labor, municipal officials, civic and lay organizations were wholehearted in their support of these measures. The House hearing on February 21, was equally well-attended and supported. Similarly the Senate Resources, Recreation and Development hearing indicated a completely favorable attitude on this bill.

"The bill provides for class A classifications for public drinking water supplies: namely, the sources for Exeter, Newmarket, Durham, Rochester, Dover, and the new Bellamy Reservoir furnishing water to Portsmouth and Pease Air Force Base in Newington. These items are covered in paragraphs I-IX of House Bill No. 120. For all other waters (paragraph X) in the drainage basin, both fresh and tidal, class B-1 is provided. This would adequately accommodate all of the potential uses which were mentioned earlier.

"No costs are involved with regard to the water supplies, in other words, there are no discharges of sewage or wastes presently and the A classification would insure against any in the future.

"The cost for cleaning up tributary streams, Great Bay and the Piscataqua River are modest (page 53 of staff report) in amount, considering the benefits obtained. Federal and State grants will be fully available in this clean-up program.

"The State of Maine has an identical bill before its legislature covering its portion of the watershed and the joint House and Senate hearing resulted in a favorable report by those Committees. Final action is being withheld pending action by New Hampshire. The naval authorities at the Portsmouth Navy Yard have met with officials from the two states and have agreed to a cooperative control program. Plans for a sewage disposal plant at the Yard are now being prepared.

"I hope the committee resolution of 'ought to pass,' will be adopted by the Senate."

The bill was ordered to a third reading.

Senator Drake, for Resources, Recreation & Development:

HB 82, giving injunctive relief for violations of water pollution commission orders. Ought to pass.



Senator Monahan: "Mr. President, This bill was passed by the House on February 14, and referred to the Senate Committee on Resources, Recreation, and Development. A hearing was held at the State Library on Thursday, March 9.

"The purpose of the measure is to expedite court review of any violation of legal orders issued by the Commission. Where the situation required it, the Commission could apply to the Superior Court, in term time or vacation, for a temporary restricting order, which is not possible under the present statute. The adoption of this legislation would not disturb in any way the present arrangements for a review of Commission orders, as provided for under RSA 149, or the provisions for variance and appeal to the Superior Court, as contained in Section 9. These avenues of relief remain available to any person, industry, or municipality affected by Commission action.

"There was no opposition to the bill at either the House or Senate hearings. The increased flexibility in arriving at a decision with respect to any Commission order would be of benefit not only to the Commission but to the people affected."

The bill was ordered to a third reading.

Senator Drake, for Resources, Recreation & Development:

HB 85, making counties eligible for state aid for water pollution control. Ought to pass.

Senator Monahan: "Mr. President, this bill was also passed by the House on February 14, and referred to the Senate Committee on Resources, Recreation and Development.

"The bill is designed to correct an oversight in the original enactment of House Bill No. 6 which provided a system of State aid to municipalities engaged in water pollution control projects. In 1959 it was considered that counties were equally eligible to receive State aid along with towns, cities and village districts. However, the Attorney General's Office was of the opinion that the original law excluded counties. Funds were provided in the appropriation established by House Bill No. 6 to aid the three counties which have undertaken projects, namely, Hillsborough, Rockingham and Sullivan. These funds have been set aside by the Water Pollution Commission and can be paid if the Legislature adopts H. B. 85.



No additional funds will be required therefor to satisfy the obligations to the three counties mentioned.

"The second feature of this bill would make it possible for the Commission to make its own determination as regards eligible items in any project. The existing language has the effect of requiring the Commission to accept the Federal agency's interpretation in this matter. This can work hardship in the event that there is a disagreement between Federal and State agencies responsible for the administration of aid funds. For example, the definition of an interceptor sewer is not precise and there can be honest differences of opinion between engineers as to what constitutes an interceptor sewer. It would seem that if the Commission's staff engineers can conscientiously decide that a certain line actually qualifies as an interceptor, the town involved should at least receive State funds even though the Federal engineers might not be willing to consider the same sewer as being eligible for a Federal grant. We understand that there is no disagreement between the Federal and State authorities concerning sewage treatment plants and pumping facilities which are the other portions of the project eligible for financial assistance. Accordingly, it is believed that the language modification will permit the State reasonable latitude in this matter and insure that New Hampshire communities will receive maximum benefits under the State aid system.

"There were no objections to the proposed legislation at either House or Senate hearings."

The bill was ordered to a third reading.

Senator Eaton, for Ways & Means:

HB 87, relative to taxation of house trailers. Ought to pass with amendment.

Amend House Bill No. 87 by inserting the following words after the word "state" in line thirteen of section 1 thereof, provided further however that travel trailers, as determined by the state tax commission, registered in this state for touring or pleasure and not remaining in any one town, city or unincorporated place for more than twenty days except in the owner's principal place of residence shall be exempt from taxation hereunder; provided, however, that any house trailer or mobile home or so-called travel trailer owned by a non-resident

of this state shall not be subject to taxation if said house trailer, mobile home or so-called travel trailer shall not remain in any one town, city or unincorporated place in this state for more than twenty consecutive days during the year; so that the same as amended shall read as follows:

1. Taxation. Amend RSA 72 by inserting after section 7 the following new section:

7-a House Trailers. House trailers and mobile homes suitable for use for domestic, commercial or industrial purposes are taxable as real estate provided they were brought into this state on or before April first and remain here after April thirtieth in any year; and provided further that any house trailer or mobile home brought into the state on or before April first which shall be removed from the state before the succeeding May first in any year and shall thereafter be brought into the state again before the following December thirty-first shall be taxable as though the same had been in the state continuously from the time it was originally brought into the state; provided further however that travel trailers, as determined by the state tax commission, registered in this state for touring or pleasure and not remaining in any one town, city or unincorporated place for more than twenty days except in the owner's principal place of residence shall be exempt from taxation hereunder; provided, however, that any house trailer or mobile home or so-called travel trailer owned by a non-resident of this state shall not be subject to taxation if said house trailer, mobile home or so-called travel trailer shall not remain in any one town, city, or unincorporated place in this state for more than twenty consecutive days during the year. Nothing herein contained shall be construed as changing the method of taxing house trailers and mobile homes held by a manufacturer or dealer as part of his stock in trade.

Further amend Section 2 of House Bill 87 by adding after the word "trailers" in the fourth line thereof the words "travel trailers as determined by the state tax commission" so that the same as amended shall read as follows:

2. Definition. Amend RSA 260:23 Scope of Term "Motor Vehicle". The words motor vehicle as used in this subdivision shall include all trailers, travel trailers as determined by the state tax commission, and semi-trailers, except house trailers

and mobile homes, used in connection with a vehicle of the tractor type.

Senator Eaton: "Mr. President, the original purpose of this bill, as submitted by the Tax Commission, was the tax of trailers as coming under the provisions of the tax law. At the Committee hearing, it was the opinion of the majority of the Committee that travel trailers should not be included in this tax law. The purpose of this amendment was the testimony given by the travel trailer people. They said that when this bill was entered in the House, it was aimed at mobile homes. After two hearings, the Committee felt an amendment was justified, which would exempt travel trailers, which the Tax Commission and the travel trailer trade agreed upon. The original tax on trailers considered the trailer as real estate, the type of trailer used as homes. This exempts travel trailers. This is satisfactory to all concerned."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Eaton, for the Committee on Ways and Means:

SB 68, relating to the annual report of the racing commission. Ought to pass.

Senator Eaton: "Mr. President, this is a comparatively simple measure. At the present, the law provides that the annual report of the racing commission must be submitted by March 1st. It is nearly impossible to get this report into the hands of the Governor at that time as required by law. The printing must be let for bid and then the printing takes some time. This makes the date due as April 1st. The Committee went along, feeling that this will be sufficient time to get the report printed."

The bill was ordered to a third reading.

### **Committee of Conference Report**

The Committee of Conference, to whom was referred Senate Bill 23, An Act relating to the American flag, having considered the same, report the same with the recommendation that the Senate recede from its position of nonconcurrence in the adoption of the amendment offered by the House of Representatives, and that the House recede from its position in

adopting its amendment, and that the Senate and House concur in the adoption of the following amendment:

1 Amend RSA 572:23 by striking out all of section 23 and inserting in its place the following:

572:23 Removing Flag. No person shall remove, without permission of the cemetery authority or selectmen, an American flag which is in an unserviceable condition or marker from the grave of any person who served in the armed forces of The United States during any war unless he shall replace the same with a new American flag or marker. Any person violating the provisions of this section shall be fined fifty dollars.

N. A. McMeekin

Laurier Lamontagne

Conferees of the Senate

Paul L. LaMott

Charles E. Daniel

Edgar G. Varney

Conferees of the House of Representatives

On motion of Senator McMeekin, the above report of the Committee of Conference was adopted.

Senator Cleveland, for the Joint Committee on Judiciary and Public Health, Welfare and State Institutions:

HB 77, relative to homicide and offenses against person. Ought to pass.

Senator Cleveland: "Mr. President, hearing was held on HB 77 on Thursday, March 16, before the Joint Committee of Judiciary and of Public Health, Welfare and State Institutions, this hearing having been posted in three consecutive journals. There was no opposition to the bill at the hearing, although the committee did receive written communications in opposition to the bill. Appearing in favor of the bill in addition to the sponsor were representatives of the New Hampshire Medical Society and two representatives. The Joint Committee is not unanimous in its report that this legislation ought to pass.

#### Present Law

"Present statutes being two, governing this subject, are found in RSA 585:12-13. The first, which HB 77 amends is

sometimes referred to as the 'miscarriage' section, the second as the 'quick-child' section. It is interesting that under the latter it is not unlawful to take a 'quick child' if two physicians advise it is necessary 'to preserve the life of the woman'. The statutes do not define what a 'quick child' is, but, medically speaking, such a child is considered to be over 20 weeks. However, in sharp contrast, and this explains the reason for HB 77, under the 'miscarriage' section, any physician who causes a 'miscarriage', i.e. before the quick-child stage, could be subject to fines and imprisonment and if the mother dies could be 'deemed guilty of murder in the second degree' (Sec. 14). There is no exception spelled out in the statute even if the procedure is necessary to save the life of the mother.

### Statutory History of Present Law

"New Hampshire statutes on this subject were first passed in 1848. Originally, both sections, i.e., the 'miscarriage' section and 'quick child' section, made an exception where 'necessary to preserve the life' of the mother. There was never any specific amendment, but in the general revision of the laws in 1867 the words about preservation of life were left out of the 'miscarriage' section, although they remained in the 'quick child' section. Whether this was by accident or design we'll never know, but the Commissioners' Report indicates that a *verbal change* only was intended — no intended change in meaning. It is entirely possible that if a court case came up our court would adopt the rule of the Supreme Court of our sister state the Commonwealth of Massachusetts which has held ' . . . that an abortion is not unlawful if performed to save *life and health* including mental health . . . '. (Commonwealth v. Wheeler, 315 Mass. 394.) There is no intent here to change such a possibility, but it seems unfair to the medical profession to subject them to the risk of exploring the extent to which our court would adopt what many consider to be the enlightened rule of Massachusetts, bearing in mind the penalty for a wrong guess could be a jail sentence and a fine. As we all know, court decisions are not always certain.

### Proposed Law

"In view of the foregoing, HB 77 seems a reasonable proposal. It adds careful safeguards in regards to interrupting pregnancy as follows:

- a. *If* done, it must be done by a duly licensed physician.
- b. *If* done, it must be done in an accredited hospital.
- c. *If* done, it must be done within the first 20 weeks of a pregnancy.
- d. *If* done, the attending physician, as well as *two* others on the *same staff* shall certify in writing that it is 'necessary to preserve the life of the woman'.
- e. *If* done, the report of the three physicians must be filed with the State Board of Health and the Board of Registration in Medicine within a week.

### Conclusion

"In conclusion, it must be stressed there is no compulsion in this legislation. It is permissive and permissive only, which is why I stressed the word *if* just above.

"To those whose convictions do not permit invocation of this law there is no command that they do so."

Senator Buckley: "Mr. President, I have had much conversation and much consultation with different people about this bill; some very important doctors that I have considerable respect for and for their thinking. They are not in accord with this and feel it should not be in the Legislature for several reasons. I have talked with some members of the Board and they are in disagreement. I would move that this bill be referred to the Judicial Council for report."

Senator Sawyer: "Mr. President, this is a bill that has cost this group a good deal of time and effort and has cost the House a great deal of time and effort. I am afraid this being referred to the Judicial Council is just a way of killing the bill. I think we may as well kill it here and stand up and be counted. I am against the motion to refer to Judicial Council."

Senator Bergeron: "Mr. President, I am in support of the motion to send the bill to the Judicial Council. It is highly controversial and morals are at stake. When the profession itself cannot agree on this bill, I think it would be wise to send it to the Judicial Council for study and to know more about it. I am divided in my thinking at this time."

Senator Monahan inquired of Senator Sawyer: "Is it true that the New Hampshire Medical Society is sharply divided on this question?"

Senator Sawyer: "I did not realize that it was. This bill as presented to us does not make any requirement for a legal abortion to be done by a doctor. All have the opportunity to make their choice of what they think should be done. It gives that choice to the patient. If the patient wishes to have this done, it may be done. It is permissive and it does not obligate anyone if they do not want to have it done."

Senator Dunlap inquired of Senator Buckley: "You have made a motion to refer this important matter to the Judicial Council. Would you be willing to tell the members of the Senate whether this was done and motivated after conferences with the doctors? Did they advocate that this be sent to the Judicial Council?"

Senator Buckley replied in the negative.

Senator Dunlap inquired further of Senator Buckley: "Would you say that the referral to the Judicial Council on a theory that there would be a report that might develop some new item or thinking that might change your thinking on the bill?"

Senator Buckley replied in the affirmative.

Senator Dunlap inquired of Senator Buckley: "Would you be willing, before voting, to tell in what area there is misunderstanding. The medical profession has advocated that this is good legislation. I don't think we ever see legislation where there is not some difference of opinion. We must respect that. What is the area that is undeveloped or where there is any mystery on this medical matter?"

Senator Buckley: "I have had many interpretations of the law as it is now. Many have been in conflict, which might alter my position."

Senator Dunlap: "Mr. President, a word with regard to the very strong conflicts that many of us have on this bill. Many of my best friends have a different judgment on this matter than do I. I respect their judgment. I think, before we vote to send this matter to the Judicial Council, the Senate should have the benefit of some thinking in respect to three very im-



portant questions raised by the Governor. The Governor has taken notice of this legislation and has issued a statement. I think that is in the best interest of government, to know where we all stand, and what we think about this thing. The Governor has said

1.) "In my opinion the government should not write an amendment to the Code of Ethics to any profession".

ANSWER: If this argument has any validity then the present statutes should be repealed. House Bill 77 is no more an amendment to the Code of Ethics of the medical profession than is the existing statute which is an absolute prohibition against medical interruption of pregnancy — either therapeutic or otherwise.

2.) "In my opinion the government should keep out of differences involving the doctrine of religious faiths".

ANSWER: House Bill 77 does not impose the religious beliefs of any group upon any other group because it is purely *permissive* legislation.

On the other hand the present statute does impose the religious beliefs of a minority upon a majority who do not share such beliefs because the present statute imposes an absolute prohibition against a certain type of medical procedure. Our statute books are full of laws which are contrary to the religious beliefs of certain minorities. The best example is our divorce laws.

3.) "Most important of all, it is my opinion, based upon study, that no doctor in this land has been convicted of a crime for having saved the life of a pregnant patient when the decision of the doctor has been sustained by medical evidence and he has had the permission of the patient to take the steps which medical evidence dictates are necessary to save her life".

ANSWER: The simple answer to this argument is that the legislatures of forty-five (45) states and the courts of two others have specifically provided that it is not criminal for a doctor to act in this manner for the purpose of saving the life of his patient. That being so, the lack of convictions is obvious.

If the Governor is correct in his view that such an act would not be a crime in this state then there cannot possibly



be any harm in specifically saying so by legislation as has been done all over the country.

Senator Caron: "Mr. President, I agree with Senator Buckley that it should be sent to the Judicial Council. I think myself that there is a difference of opinion. However, I have something here that I would like to read:

"People of good character and morality are against passage of this bill. People of equally good character and morality are for this bill. This paradox has an explanation. All right law comes from God. Natural Law the first and most basic of all laws is that mysterious unseen, unheard, unwritten, all pervading, irresistible law which activates and controls everything known to us in the mineral, vegetable, animal creation around us. This law existed before man. It formed man, it will continue whether man likes it or not until time shall be no more. We call it irresistible. Only one force can oppose it — the human will. Only one power can ignore it — the human mind. Christians have the benefit of having portions of the Natural Law spelled out for us so that we can more easily see how we are to use our freedom of mind and will. Important sections of the law were written in stone by God and given to our spiritual ancestors. Christ cast further light on the law. God is giving us no margin of error. We cannot plead ignorance. Christ gave His church the power to legislate and in the important area of public morality assists His church to legislate correctly in this area. With regard to the matter of abortion the Church has spoken very clearly, "a Mother bearing a child should be very careful to protect and preserve the life of her child. As the soul is created at the very moment of conception, anything wilfully done which results in the death of even an unborn child is *murder*. Not even to save the mother's life may an unborn child be killed by direct *abortion*. If the death of the child results secondarily, in an attempt to save the mother's life, and after all precautions have been taken to safeguard the child, this is indirect abortion, and is permitted, for grave cause".

"There is always a danger that Human Civil Law made at times by men whose knowledge of God's Law leaves much to be desired, can contradict God's Law. Our greatest guarantee against error, on the part of the human lawmaker, is our religious sense of God's Law. Our religion calls direct abortion, murder. Murder is against God's law. We cannot wish to see this bill passed.

"Any law before it can hope to govern men successfully must spring from and continue to repeat the plans of God, ordaining and promulgating a certain right order of living for us His creatures."

Question being on adoption of motion of Senator Buckley.

On a *viva voce* vote, the Chair was in doubt and requested a Division.

Nine Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the negative prevailed, and the motion was lost.

Senator Gardner: "Mr. President, during my nursing career I have seen ectopic — or tubal pregnancy (this is a pregnancy which cannot become a full term pregnancy). An operation is necessary to save the mother's life. Never have I heard this decision questioned.

"I have spent several sleepless nights trying to decide which way I should vote.

"I had no feeling of guilt at all when I finally decided the mother's life was far more important to me than that of the unborn child, for if the mother dies, the child dies too.

"This operation has to have the consent of the person involved. I feel the doctor is entitled to protection.

"Whether I have committed a sin or not, I will leave to the judgment of my Divine Creator."

Senator Daniel spoke in opposition to the bill: "Mr. President, recognizing the fact that therapeutic abortions are legal in the State of New Hampshire under certain conditions, we oppose House bill 77 with its provisions to allow therapeutic abortions at an earlier stage in the fetal life of the child.

"I rise in opposition to House Bill No. 77.

"I believe that this legislation permits the direct killing of an infant human being. Now then, either there is or there is not an Almighty God. I think all Christians believe that there is a Creator of all things, including life. If the Almighty, in His divine wisdom, decides to create a life, who are we to decide that this life should be taken away. This is an evil which cannot be justified by any good purpose whatever. The end never

justifies the means. No evil is permitted even for a noble purpose of doing good.

"Christ said, 'Thou shalt not kill,' because only the Creator who gives life has the power to take it away. I would consider my voting for this Bill as participating in the killing of all the human beings to which this Bill will apply.

"Now an argument is made that there is no life within the first 20 weeks of pregnancy. Medical scientists and the courts have decided otherwise. Our own N. H. Supreme Court in the case of *Bennett v. Hymers* decided in January, 1958, said that the infant becomes a separate unit from the time of conception and continues to be so throughout its life. The Court added that the mother contributes to nourish and protect the infant from conception, but it is, nevertheless, a separate life, and an action at law can be brought for damages done to the infant during pregnancy from the beginning.

"This infant has a right to live as you and I have. They say that such abortions will only be made when it is decided that the mother's life is involved. But who are the human beings smart enough never to make a mistake on that. Even the killing of one innocent infant unnecessarily would outbalance any lives that were saved. With this Bill we are really intermeddling with the designs of God. We are setting ourselves up as equal to God. When any legislation proposes to make we human beings equal to the Almighty, it is about time that we stop and think it over. For my part, I am unwilling to cast a vote which is equivalent to saying, "Almighty Lord, you have decided that a life should be created in this woman, but I'm telling you that you are all wrong, and that you should have never made such a decision, and consequently, I will kill the life that in Your Wisdom You created, because I think I can accomplish some good in doing it."

Senator Battles inquired of Senator Dunlap: "Would you object to this bill being sent to the Supreme Court for their interpretation of whether or not it is needed?"

Senator Dunlap requested a one minute Recess, which was granted by the Chair.

(Recess)

The Senate reassembled.

Senator Dunlap replied to Senator Battles above: "I think we should not send this kind of a question to the Supreme Court. If I understand correctly, we are to ask the Court whether or not this bill is necessary. I question if they would want to accept this. I believe this question is before a Legislative body, and should be taken care of by that body. I am not in favor of referring it to the Supreme Court."

Senator Eaton, "Mr. President: I rise in support of the pending measure and will vote for it. Because I am going to vote for it, I feel that the 50 odd constituents out of the 14,000 registered voters in my district who sent me communications against this measure, deserve an explanation. Unfortunately HB 77 has taken on a political, religious and patriotic or subversive overtone. First of all my patriotism has been impliedly questioned. I wish to state that in 1941 I was a member of the armed forces stationed overseas and from that date to this, twenty years later, my record with every intelligence service of the government including army and navy and air force intelligence, the Justice Department and FBI will show that I have given more than lip service to my country. Secondly, my record will show that I believe anyone's religion is good if they believe in it and that includes the savages I have known in the jungle who worship bent trees. I do not question what other religious doctrines offer, and I would sacrifice my life to support their right to their beliefs, but don't make me accept their beliefs. I also question where are these people in the fight against capitol punishment or in protest of killing in armed conflict, or in protest against the homosexuals in government who could easily lead to genocide.

"I feel that many have not delved into this bill and what it permits. My wife is the mother of our six young sons. I need her — the children need her — I want the privilege of saving her life, if the occasion warrants, and not have to lose her AND her unborn child!"

Senator Lamontagne: "Mr. President, I was hoping that the motion of Senator Buckley was to be passed, so that both sides of the story could have been studied, by people more qualified in answering this question than I am. I know nothing about the medical field. It is my definite opinion that I want

to do the right thing. I had some statements to make here, but I can see from the many motions of the Senators that they have their minds made up. No need to take 20 or 25 minutes in going over all the documents. I wish to be recorded in opposition to this bill."

Senator Paquette: "I feel the same way. No need to get up and talk, but I am against the bill."

Senator Phillips: "Mr. President, all last week, I had a great deal of communication from the people in my district from the protestant churches. Over the week end, I had many from the Catholic churches. I am very close and sympathetic to their opinion. I feel that no one group shall lay down the policy that we are to live under. I feel that this is permissive; that I have no right to say to one woman that you cannot have this measure: that I will deny it to you because I have been pressured. My decision to vote for this bill is my own free will because I think it is right. In this democratic country of ours, it is our precious privilege to decide these matters regardless of religion."

Senator Sawyer: "In my opinion, there is a question between church and state.

1. It allows the patient to make her own decision.

2. Permits the doctor to do this in order to save the life of a mother. All of this material that has come to me has been accurately based on understanding of this act as it exists.

"I hope that nobody will be disturbed by voting yes on this bill."

(Discussion ensued)

Senator Paquette moved that the bill be sent to the Supreme Court for a ruling.

Senator Dunlap spoke against the motion.

The President ruled that motion as being out of order indefinitely and not in line. Stated that the Supreme Court is not a Committee of the Senate. Stated that referral will accomplish nothing. The President declared a one minute Recess.

(Recess)

The Senate reassembled.

Senator Paquette withdrew his motion.

Question being: Shall the bill be ordered to a third reading.

Senator Daniel offered the following amendment:

*Whereas:* Any doctor who is found guilty by a Court of Law, in this State, of neglect to the patient involved, causing the loss of life, shall pay a fine of not less than Five thousand dollars, and not more than twenty thousand dollars, or not less than three years and not more than five years in prison or both.

Fine and jail sentence at the discretion of the Court.

On a *viva voce* vote, the amendment was not adopted.

Question being: Shall the bill be ordered to a third reading.

On this motion, Senator Daniel demanded a Roll Call.

The Clerk proceeded to call the Roll.

The following named Senators voted in the affirmative: Senators Drake, McMeekin, Sawyer, Monahan, Gardner, Cleveland, Phillips, Dunlap, Eaton, English, Holmes, Bunten, Cheney, Dunnington and Humphreys.

The following named Senators voted in the negative: Lamontagne, Paquette, Caron, Provost, Daniel, Bergeron, Buckley and Battles.

Fifteen Senators having voted in the affirmative, and eight Senators having voted in the negative, the affirmative prevailed, and the bill was ordered to a third reading.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills:

HB 95, relative to emergency admissions to state hospital.

HB 122, relating to the protection of public water supply sources.

HB 123, to repeal the capital reserve fund for the public library annex in Nashua.

SB 36, to apply the principles of home rule to the establishing of salaries of city officials and employees.

SB 87, to appropriate sufficient money to enable the state to make an equal contribution to the local communities to the expense of establishing an Eastern Slopes Regional Airport.

Robert S. Monahan  
For the Committee

### Resolution

Senator Dunlap offered the following Resolution:

### Resolution

On the passing of

VERA G. PENNINGTON

*Whereas*, Mrs. Vera G. Pennington, Mother of Reverend J. W. Pennington, Legislative Chaplain, has passed away, therefore be it

*Resolved*, That we, the Members of the Honorable Senate of the General Court of New Hampshire, for ourselves and for the Attachés, extend our deep sympathy to our Chaplain in his bereavement, and be it further

*Resolved*, That a copy of these Resolutions be transmitted to him by the Clerk of the Senate.

### Special Order of Business at 11:01

Senator Eaton called for the Special Order of Business.

Being consideration of Senate Resolution relative to compensation of legal Counsel of the Senate.

The President: "Last Friday, I ruled that the Resolution would be referred to the Finance Committee before final action. It has been brought to my attention that this applies only to bills and Joint Resolutions. If adopted, this Senate Resolution will be final in the Senate. If I make a mistake—I will admit it—I am not infallible."



Senator Eaton: "I think we have had not a nerve wracking, but an important hassle this morning. Before I make my motion—whatever the House Counsel is paid, we have nothing to do about it. Whatever the Senate does on a Senate Resolution does not have to be referred to the Finance Committee. In the interest of peace and harmony, I would move that the Senate Resolution be postponed and made a Special Order of Business for next Tuesday morning at 11:01 o'clock."

Senator McMeekin: "I would like to get some information on this, so am in favor of motion for next Tuesday."

Senator Caron: "Mr. President, I would like to serve notice that if the Senate Counsel is to receive \$1,000 a month I am going to introduce a bill to raise the salaries of the Clerk, Sergeant-at-Arms, Doorkeeper, Messenger and Assistant Messenger, telephone messenger, and stenographers. I feel that their duties have increased tremendously, so I would serve notice to the Senate."

Question being on motion of Senator Eaton.

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be made in order at the present time.

### Afternoon Session

#### Third Reading of Bills

SB 68, relating to the annual report of the racing commission.

SJR 7, in favor of William S. St. Cyr.

HB 82, giving injunctive relief for violations of water pollution commission orders.

HB 85, making counties eligible for state aid for water pollution control.

HB 87, relative to taxation of house trailers.

HB 120, providing for the classification of certain surface waters of the Piscataqua River watershed.



HB 128, establishing the unauthorized insurers false advertising process act.

On the third reading of HB 77, relative to homicide and offenses against person, Senator Bergeron moved that the bill be committed to the Senate as a Committee of the Whole in order that he might offer an amendment.

On a *viva voce* vote, the negative prevailed, and the motion was defeated.

On this vote, Senator Bergeron requested a Division vote.

Three Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the negative prevailed, and the motion was lost.

### **Third Reading of House Bill**

HB 77, relative to homicide and offenses against person.

Senator Eaton moved that the Senate reconsider its vote whereby the following entitled bill was ordered to a third reading:

HB 77, relative to homicide and offenses against person.

On a *viva voce* vote, the negative prevailed, and the motion to reconsider was lost.

On motion of Senator Paquette, the Senate adjourned at 1:30 P.M.

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WEDNESDAY, MARCH 22, 1961

The Senate met according to adjournment.

### **Leave of Absence**

Senator Humphreys requested leave of absence for the day on account of illness.

### **House Message**

Mr. President:

The House of Representatives has passed the following

entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 94, relative to violations of hunting laws by minors under eighteen years of age.

HB 175, relative to entrance fees of credit unions.

HB 198, relative to the sale of liquor and beverages on Sundays and on election days while the polls are open.

HB 231, relative to the salary of the justice of Northumberland municipal court.

HB 238, authorizing the purchase of life and health insurance by towns for town employees.

HB 239, relative to life, accident, medical, surgical and hospitalization insurance benefits for employees of the city of Berlin and their dependents.

HB 240, relative to life, accident, medical, surgical and hospitalization insurance benefits for employees of the city of Laconia and their dependents.

HB 241, relative to life, accident, medical, surgical and hospitalization insurance benefits for employees of the city of Claremont and their dependents.

HB 242, relative to life, accident, medical, surgical and hospitalization insurance benefits for employees of the city of Concord and their dependents.

HB 243, relative to life, accident, medical, surgical and hospitalization insurance benefits for employees of the city of Portsmouth and their dependents.

HB 244, relative to life, accident, medical, surgical and hospitalization benefits for employees of the city of Lebanon and their dependents.

HB 245, relative to life, accident, medical, surgical and hospitalization insurance benefits for employees of the city of Manchester and Nashua and their dependents.

HB 254, relating to sale of horses for slaughter.

HB 273, relating to trust companies.

The Message further stated that the House of Representa-

tives refuses to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 30, relative to qualifications for the serving of liquor or beverages.

The Message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following Concurrent Resolution with amendment, in which amendment it asks the concurrence of the Honorable Senate:

*Whereas*, the 1961 Legislature of the State of Maine is the One Hundredth Session of said Legislature; and

*Whereas*, the 1961 General Court of the State of New Hampshire is at least the One Hundred Thirty-Seventh Session of said General Court, now therefore be it

*Resolved* by the General Court of the State of New Hampshire, that: as the older of these two sister legislatures it extends to the Legislature of the State of Maine its congratulations and best wishes on this its One Hundredth Anniversary, and be it further

*Resolved*, That a copy of these resolutions be transmitted to the Governor of the State of Maine, the President of the Senate of the Legislature of the State of Maine, and the Speaker of the House of the Legislature of the State of Maine.

On motion of Senator Lamontagne, the Senate refused to concur in the adoption of the amendment and requested a Committee of Conference.

"My main reason for asking for a Committee of Conference is due to the words "at least" as the House has proposed in a proposed change to the Resolution, which would make our legislature look as if we do not know our history. If the information which I have taken out of the first House Journal stating that we are in the 137th session, is not correct, then I think the first thing we should do before passing this Resolution is to find out for sure how many sessions New Hampshire has had in its history.

"I hope that Maine does not take any offense at our New Hampshire legislature by our taking a lot of time in passing this Resolution. I did want this Resolution for last Monday

when I was a guest of Maine. Now that day is passed, I feel that this Resolution should be correct as I have stated in my previous remarks.

"I hope the House does not take any offense at my remarks. I would like to see the records of our State corrected if they are wrong."

Pursuant to the above, the President appointed as members of such Committee on the part of the Senate, Senators Eaton and Lamontagne.

The Message further stated that the House of Representatives has voted to adopt the report of the Committee of Conference on the following entitled bill:

SB 23, relating to the American Flag.

#### Committee of Conference

The Committee of Conference, to whom was referred Senate Bill 23, An Act relating to the American flag, having considered the same, report the same with the recommendation that the Senate recede from its position of nonconcurrence in the adoption of the amendment offered by the House of Representatives, and that the House recede from its position in adopting its amendment, and that the Senate and House concur in the adoption of the following amendment:

1 Amend RSA 572:23 by striking out all of section 23 and inserting in its place the following:

572:23 Removing Flag. No person shall remove, without permission of the cemetery authority or selectmen, an American flag which is in an unserviceable condition or marker from the grave of any person who served in the armed forces of The United States during any war unless he shall replace the same with a new American flag or marker. Any person violating the provisions of this section shall be fined fifty dollars.

Paul L. LaMott  
Charles E. Daniel  
Edgar G. Varney

Conferees of the House of Representatives

N. A. McMeekin  
Laurier Lamontagne

Conferees of the Senate

**Read and Referred**

To the Committee on Judiciary:

HB 94, relative to violations of hunting laws by minors under eighteen years of age.

HB 231, relative to the salary of the justice of Northumberland municipal court.

To the Committee on Banks & Insurance:

HB 273, relating to trust companies.

HB 175, relative to entrance fees of credit unions.

To the Committee on Liquor Laws:

HB 198, relative to the sale of liquor and beverages on Sundays and on election days while the polls are open.

To the Committee on Public Health, Welfare & State Institutions:

HB 254, relating to sale of horses for slaughter.

To the Committee on Executive Dept., Municipal & County Government:

HB 238, authorizing the purchase of life and health insurance by towns for town employees.

HB 239, relative to life, accident, medical, surgical and hospitalization insurance benefits for employees of the city of Berlin and their dependents.

HB 240, relative to life, accident, medical, surgical and hospitalization insurance benefits for employees of the city of Laconia and their dependents.

HB 241, relative to life, accident, medical, surgical and hospitalization insurance benefits for employees of the city of Claremont and their dependents.

HB 242, relative to life, accident, medical, surgical and hospitalization insurance benefits for employees of the city of Concord and their dependents.

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HB 244, relative to life, accident, medical, surgical and hospitalization benefits for employees of the city of Lebanon and their dependents.

HB 245, relative to life, accident, medical, surgical and hospitalization insurance benefits for employees of the city of Manchester and Nashua and their dependents.

### **Introduction, First & Second Reading of Senate Bill**

SB 105, relative to petitions for inquiry under the sexual psychopath act. (Eaton) To the Committee on Judiciary.

### **Committee Reports**

Senator Phillips, for the Committee on Judiciary:

SJR 8, directing an investigation into advisability of authorizing consumer counsels in this state. Ought to pass.

Senator Cleveland, the Chairman of the Judiciary Committee, had been detained on another matter and Senator Monahan volunteered to explain the bill:

"Mr. President, I am not on the Committee, but I sponsored the bill. I have been impressed, as I am sure the other members of the Senate have, by the fact that the utilities, banking interests, medical and other professions are all well represented at our Legislative hearings. I have also been impressed by the very poor representation afforded the consumer. I have looked into this matter in other states, for example, Massachusetts, New York, and California and they have done something about it. In California, during his successful 1958 campaign for Governor, 'Pat' Brown promised the appointment of a 'public defender of the consumer interest' in that state. One of his platforms was for a public defender. What he had in mind was someone in the Governor's official family who could speak for the consumer, someone who would identify the abuses in the market place and be able to recommend to the Administration and to the Legislature ways in which the consumer could be helped and protected. At the opening of the 1959 legislative session, Governor Brown called for the establishment of the Office of Consumer Counsel. The Legislature cooperated and he established this office of Consumer Counsel which filled four functions:

1. Advise the Governor as to all matters affecting the interests of the people as consumers;
2. Recommend to the Governor and to the Legislature legislation deemed necessary to protect and promote the interests of the people as consumers;
3. Make studies deemed necessary and render reports thereon to the people; and
4. Appear before governmental commissions, departments, and agencies to represent and be heard on behalf of consumers' interests.

"This resolution merely authorizes and instructs the Legislative Council, if they serve and the bill is approved by the Senate and House, to report back to the next session of the General Court if they feel that such an office would be feasible in this State."

The President: "If you wish to submit an amendment to make this in the form of just a Senate Resolution, rather than a Joint Resolution, no House action will be needed. You might wish to make this a Special Order of Business for tomorrow in order to check it out."

On motion of Senator Monahan, further consideration of the above SJR 8 was made a Special Order of Business for tomorrow morning at 11:01 o'clock.

### **Committee Reports (continued)**

Senator Phillips, for the Committee on Judiciary:

SB 82, relating to attachment liens. Ought to pass.

Senator English: "Mr. President, basically this is an extension of time in connection with attachment liens. It raises the time from 30 days to 60 days."

The bill was ordered to a third reading.

Senator Monahan, for the Committee on Education:

HB 65, relative to checklists for co-operative school districts. Ought to pass.

Senator Holmes: "Mr. President, this is a very simple bill, and is non controversial. It allows towns of the co-operative

school district to use the town checklist at the co-operative school meetings instead of having to make a separate checklist. We have already authorized in the Legislature that this may be done in individual school districts. Mr. Farnum appeared in favor and stated that through oversight, cooperatives had not been included."

Senator McMeekin inquired: "I assume that there is no change in the present law?"

Senator Holmes replied in the negative.

Senator English inquired: "It is true is it not that the supervisors of the town checklist will be present at the voting and will be able to identify the voters?"

Senator Holmes replied in the affirmative.

The bill was ordered to a third reading.

Senator Monahan, for the Committee on Education:

HB 155, relative to enlarging or reducing the membership of school boards. Ought to pass.

Senator Holmes: "Mr. President, this again is a noncontroversial bill. It simply requires that any measure to increase or decrease must be taken up at the regular annual meeting and not at a special meeting. Mr. Farnum appeared and spoke in favor. We need this to make sure that no such measure can be brought up at a special meeting."

The bill was ordered to a third reading.

The President stated that SB 71, relative to budgets of police departments, had been returned to the Judiciary Committee.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills:

HB 96, relative to commitment, discharge and temporary absence of the mentally ill.

SB 28, relating to bonds for housing projects and redevelopment projects.

Louis W. Paquette  
For the Committee



Senator Battles offered the following Resolution and moved that consideration of same be made a Special Order of Business for next Tuesday morning at 11:02 o'clock:

Amend Senate Rule 34 so that the rule shall read as follows:

34. No standing rule of the Senate shall be suspended unless two-thirds of the members present vote in favor thereof, both a motion to vacate a reference to Committee and a motion to discharge a Committee shall be considered a suspension of the rules of the Senate, and no rule shall be rescinded unless one day's notice of the motion has been given and two-thirds of those present vote therefor.

Add the following new rules:

1. When a question is postponed indefinitely, the same shall not be acted upon during the session except whenever two-thirds of the whole number of elected members shall, on Division vote, vote in favor thereof, and not otherwise.

2. When a question has been laid on the table, it shall require a vote of two-thirds of those present and voting, after one day's notice, to take it from the table.

3. At any time after a bill or resolution has been referred to a committee, and before said committee has held a public hearing on same, the President subject to approval by a majority of the Senate may order said committee to hold a public hearing on said bill or resolution within three legislative days from the date of said order. If said order is not complied with, the President may vacate the reference of said bill or resolution to said committee and refer it to another committee. After a public hearing has been held on a bill or resolution which is in the hands of a committee, the President may order subject to approval by a majority of the Senate said committee to report its findings on said bill or resolution to the Senate within three legislative days from the date of said order. If said order is not complied with the President may revoke the reference of such bill or resolution to committee and place such bill or resolution before the Senate for action, upon giving a notice of three legislative days in the calendar of the Senate. A committee report filed on or before the expiration of such three day notice shall take precedence over the order of revocation of the President.

4. In the event a matter is referred to two or more standing committees as a joint committee, a member who is a member of more than one of said committees shall be entitled to a vote for each committee of which he is a member.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be made in order at the present time.

### **Afternoon Session**

#### **Third Reading & Final Passage of Bills**

SB 82, relating to attachment liens.

HB 65, relative to checklist for co-operative school districts.

HB 155, relative to enlarging or reducing the membership of school boards.

The President recognized Senator English: "Mr. President, I wondered if congratulations might be due the House — they will have dealt with 40 bills this week. If they will give us the bills, we will finish the job.

The President replied: "If they continue their good work, it may be likely that the Senator from the 11th District will have a chance to supply a dinner for the Senators."

On motion of Senator Provost, the Senate adjourned at 12 o'clock.

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THURSDAY, MARCH 23, 1961

The Senate met according to adjournment.

#### **Leave of Absence**

Senator Humphreys was granted leave of absence for the day on account of illness.

#### **Guest**

As the guest of Senator Lamontagne, Mr. Albert B. Roy of Berlin, White Mountain Chapter of the Blind.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

HB 267, relative to aircraft service operator certificate.

The Message further stated that the House has voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 44, relating to devises and bequests to trusts.

The Message further stated that the House refuses to concur with the Honorable Senate in its amendments to the following entitled bill sent down from the Honorable Senate, and asks a Committee of Conference:

HB 87, relative to taxation of house trailers.

The Speaker has appointed as members on the part of the House:

Hill of Conway, Mrs. Davis of Conway, and Desnoyer of Claremont.

On motion of Senator Battles, the Senate voted to accede to the request of the House.

Pursuant to the above, the President appointed as members of such committee on the part of the Senate, Senators Eaton and Provost.

### Read and Referred

To the Committee on Transportation:

HB 267, relative to aircraft service operator certificate.

### Introduction, First & Second Reading of Senate Bill

SB 106, requiring the filing of flight plans. (Dunlap) To Transportation.

### Committee Reports

Senator Drake, for the Committee on Ways & Means:

SB 83, relative to tax assessments in unincorporated places. Ought to pass.

Senator Drake: "Mr. President, this is an administration bill and tax commission bill. It does several basic things. It provides for annual rather than biennial assessment of taxes on unincorporated places. Presently, under this method of assessing every two years, many times cabins and camps in these places burn and unless there is an annual assessment, the owners might be taxed on property that has burned. Secondly, this will provide for the tax commission to levy and collect the taxes instead of the county treasurer, who was in accord with this measure. The tax commission then remits to the county treasurer. This bill repeals the present method of this being done by county treasurers. This bill clarifies a great deal."

Senator Lamontagne: "Mr. President, this bill is more of a housekeeping bill. In the case of the Brown Company, instead of their receiving several tax bills, they would only receive one bill."

The bill was ordered to a third reading.

Senator Drake, for the Committee on Resources, Recreation & Development:

HB 132, changing the name of Crescent Island in Lake Winnepesaukee to Little Six Mile Island. Ought to pass.

Senator Monahan: "Mr. President, this is a very simple bill. The original name for this very small island was Little Six Mile Island. Some years ago, an owner changed the name to Crescent Island. The present owner and members of the House in that area support the retention of the original name."

The bill was ordered to a third reading.

Senator Drake, for the Committee on Resources, Recreation & Development:

SB 94, relating to the Charter of Mount St. Mary's Convent of the Sisters of Mercy of Manchester. Ought to pass.

Senator Monahan: "Mr. President, this bill was introduced by Senators Caron and Battles. It was heard by the Committee yesterday. The point at issue is to remove the existing limitation of \$700,000 on the property owned and controlled by this organization. Their building program is getting started and

it is very important that the limitation should be deleted from the very old charter so that the financing of the cost of the new dormitory can be arranged. That is all the bill does is to strike out the \$700,000 limitation on the property."

The bill was ordered to a third reading.

Senator McMeekin, for the Committee on Ways & Means:

SB 76, relative to taxation of corporation property. Ought to pass.

Senator McMeekin: "Mr. President, this bill was entered by the tax commission and its purpose is to put corporations in the same position as private owners. They now tax personal property in the place where a person resides. They wish to extend that to corporations."

The bill was ordered to a third reading.

Senator McMeekin, for the Committee on Ways & Means:

SB 100, relative to notice of cutting and report of cut under the so-called timber tax law. Ought to pass.

Senator McMeekin: "Mr. President, this bill is to save the tax commission some work. The blanks that they use now are in duplicate form. They wish this to be done in triplicate and the direct copy will go to the department."

Senator Drake: "It does one thing. It notifies of the intent to cut before the work is done, so that representatives of the department may be sent to see that better cutting arrangements are made."

The bill was ordered to a third reading.

Senator Drake, for the Committee on Ways & Means:

HB 233, pertaining to taxation of fallout shelters. Ought to pass.

Senator Drake: "Mr. President, this is a bill to provide the incentive to the people in the State to go ahead with the urgent task of providing for themselves the fallout shelter that they will need. Under this bill, there is a provision that each who builds a fallout shelter will receive exemption of \$200 per person per family. The limitation was put on so that people would not build themselves some elaborate game room, etc. No

opposition to it and Admiral Brinkmann and Basil Broadhurst, representing Civil Defense, appeared in favor. It was felt that this would be an incentive for people in the State to build or construct such a fallout shelter."

Senator Holmes: "Mr. President, Nashua has constructed one of these shelters. I believe it is one of the first to be constructed. They would be pleased to have any of the members of the Senate come and see it and find out how it may be constructed in their own home."

Senator Paquette agreed with Senator Holmes and stated the shelter was located on Arlington Street, near the school.

The bill was ordered to a third reading.

Senator Eaton, for the Committee on Ways & Means:

SB 84, to provide relief from double taxation for the support of public schools. Inexpedient to legislate.

Senator Eaton: "Mr. President, I believe the bill is self explanatory by title. There were no proponents and all that appeared were in opposition. In effect, anyone who owns two places in the State, one being a summer residence, 25% of the tax assessed against this summer residence will be deducted on the basis of the double taxation for support of public schools. This is unconstitutional because all assessments by law must be reasonable and apportioned."

Senator Dunlap: "I will agree with the Senator from the 10th District that I introduced it by request. The bill, however, was drawn by a very well known attorney in New Hampshire and when he drew it he apparently found nothing unconstitutional and I think that possibly it should be indicated that the Committee takes wise action here when no one will appear for the bill. I would ask that the record show that the people who proposed this and who asked for it to be introduced, did not come in and say what they would like to say on it."

The recommendation of the Committee, inexpedient to legislate, was adopted.

The President: "We are hoping that we will receive the so-called head tax bill today and it is necessary that action be taken before the first of April, so if we receive the bill today, it can be posted for hearing for next Wednesday. Accordingly,

I am to recognize one of the Senators to move to suspend the rules in order that the bills that we have passed may be ordered to a third reading at the present time. Then I will declare a Recess to await the receiving of the House Message. The only thing that we will take up after the Recess will be the reading of the House Message."

### **Special Order of Business for 11:01 O'clock**

Senator Monahan called for the Special Order. Being further consideration of:

SJR 8, directing an investigation into advisability of authorizing consumer counsel in this state.

Senator Monahan offered the following amendment to the above Resolution:

Amend the caption of Senate Joint Resolution No. 5 by striking out the word "Joint" therein, so that said caption shall read as follows, Senate Resolution.

Further amend said Resolution by striking out in the resolving clause thereof the following words, "House of Representatives in General Court convened" so that said clause shall read as follows, Resolved by the Senate.

Senator Monahan: "Mr. President, the subject matter was discussed in some detail yesterday. The only change is at the suggestion of the President and others to make this a Senate Resolution. After being acted on by the Senate, it will go direct to the Legislative Council without being acted on by the House."

The amendment was adopted, and the Senate Resolution as amended was referred to the Legislative Council.

On motion of Senator Monahan, the rules of the Senate were so far suspended as to place all bills ordered to a third reading for this afternoon, be placed on third reading at the present time.

### **Third Reading & Final Passage of Bills**

SB 76, relative to taxation of corporation property.

SB 83, relative to tax assessments in unincorporated places.

SB 94, relating to the Charter of Mount St. Mary's Convent of the Sisters of Mercy of Manchester.

SB 100, relative to notice of cutting and report of cut under the so-called timber tax law.

HB 132, changing the name of Crescent Island in Lake Winnepesaukee to Little Six Mile Island.

HB 233, pertaining to taxation of fallout shelters.

The President: "With the previous explanation that I have given, I will declare a Recess. We do not intend to take up any business except to refer bills to committee, following the Recess."

(Recess)

The Senate reassembled.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

HB 97, providing for the assessment and collection of a special head tax for state purposes.

### Read and Referred

To the Committee on Ways & Means:

HB 97, providing for the assessment and collection of a special head tax for state purposes.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time and when the Senate adjourns today, it be to meet next Tuesday morning at 11 o'clock.

### Afternoon Session

On motion of Senator Paquette, the Senate adjourned at 1 P.M.



TUESDAY, MARCH 28, 1961

The Senate met according to adjournment.

### Leave of Absence

Senator Humphreys was granted leave of absence for the week on account of illness.

### Guests

As the guests of Senator Holmes: Messrs. Samuel G. Proctor and Francis N. GrosLouis, both of Wilton.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 207, establishing the Lake Sunapee Regional Planning Authority.

HB 314, repealing the taxation of domestic rabbits.

HB 316, exempting oxen from taxation.

HB 319, repealing the taxation of sheep, goats and hogs.

HB 291, in relation to discharging firearms.

HB 269, relative to financing industrial waste treatment facilities.

HB 196, relative to total population figure at Laconia State School.

The Message further stated that the House has voted to accede to the request of the Senate for a Committee of Conference on the following Concurrent Resolution:

Congratulating the Legislature of the State of Maine.

The Speaker has appointed as members on the part of the House, Messrs. Angus of Claremont, Pickett of Keene, and Linehan of Manchester.

The Message further stated that the House has voted to adopt the report of the Committee of Conference on the following entitled House Bill:

HB 87, relative to taxation of house trailers.

### **Read and Referred**

To the Committee on Judiciary:

HB 207, establishing the Lake Sunapee Regional Planning Authority.

HB 291, in relation to discharging firearms.

To the Committee on Ways & Means:

HB 314, repealing the taxation of domestic rabbits.

HB 316, exempting oxen from taxation.

HB 319, repealing the taxation of sheep, goats and hogs.

To the Committee on Executive Dept., Municipal & County Government:

HB 269, relative to financing industrial waste treatment facilities.

To the Committee on Public Health, Welfare & State Institutions:

HB 196, relative to total population figure at Laconia State School.

### **Committee Reports**

Senator Bunten, for Agriculture:

SB 52, relative to licensing of dogs. Ought to pass.

Senator Dunlap: "Mr. President, this bill would provide for a charge of 50c as a penalty if a dog is not licensed according to statute. May 1st is the date that each and every dog is supposed to be licensed. In the 1953 session, this act was amended to provide a 50c penalty if a dog was not licensed by July 1st. The sponsors of this legislation submit that it is not consistent to have the effective or cut off date in which to comply later than the date set by statute. For that reason, the Committee voted unanimously to report this bill as ought to pass."

The bill was ordered to a third reading.

Senator Drake, for Public Health, Welfare & State Institutions:

HB 53, relative to meetings of the inter-departmental committee on welfare and institutions. Ought to pass.

Senator Sawyer: "Mr. President, the law requires that there must be a monthly meeting of the heads of all departments connected with welfare and institutions. Having met for 10 years, they feel the need for meetings has lessened because of their familiarity with the problems and that meetings every two months are sufficient. No opposition. The committee therefore voted that the bill should pass. The Committee desires to have noted that if department consolidations in the new department occur, they will be repealed by SB 49 and will no longer be needed."

The bill was ordered to a third reading.

Senator Drake, for Public Health, Welfare & State Institutions:

HB 106, relative to frozen desserts. Ought to pass with amendment.

Amend said bill by inserting in line 3 of section 1 thereof after the word "name" the word, by; further amend said bill by inserting in line 3 of section 1 thereof after the word "it" the word, is, so that the first paragraph of said section 1 shall read as follows:

1 Pure Foods. Amend RSA 146 by inserting after section 15 the following new section. 146:15-a Frozen Desserts. I. Prohibitions. Any food, regardless of the name by which it is represented, made in semblance of frozen desserts or quiescently frozen confections, or prepared as such foods are customarily prepared or frozen, shall be deemed adulterated or misbranded, unless

Senator Sawyer: "Mr. President, the first person who appeared in favor of this bill was Gilman Crowell of the Dept. of Health who testified that the federal government has established by law, standards for frozen desserts. For instance, federal fat content is set at 8 to 10% while New Hampshire sets 14 to 12%. Federal law supersedes state law. Federal law permits the sale of ice milk, which the state does not. This has 2 to 7% butter fat and could have a large sale on soft drink stands. Thus

companies such as Hood, Sealtest, etc. outside the state have an advantage over New Hampshire manufacturers in cheaper cost and New Hampshire companies cannot compete. All New England and some other states have legislation in process to change their standards to comply with federal standards. No opposition. Perley Fitt, Commissioner of Agriculture, testified that there is nothing to do but support this bill."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Buntin, for Military & Veterans Affairs:

SB 73, to change the personnel of the Board of Managers of the New Hampshire Soldiers' Home. Ought to pass with amendment.

Amend section 1 of the bill by striking out the word "five" in the third and sixteenth line (of the printed bill) and inserting in place thereof the word, six, so that said section as amended shall read as follows:

1 Amend RSA 119:2 by striking out in line 6 thereof the word "or" and substituting in place thereof the word, six, further amend said section by striking out in line 13 thereof the word "and"; further amend said section by striking out in lines 14 and 15 thereof the words, "or any other national veterans organization that may arise in the future" and substitute in place thereof the words, and one member of the Veterans of World War 1 of the U.S.A., Inc.; so that said section as amended shall read as follows:

119:2 Board of Managers. The government of the home is vested in the board of managers of the New Hampshire Soldiers' Home, consisting of the commanders of the following veterans' departments of New Hampshire ex-officiis, United Spanish War Veterans, American Legion, Veterans of Foreign Wars, a member of the Disabled American Veterans, Veterans of World War 1 of the U.S.A., and six citizens of the state, five of whom, at least, served in the armed forces of the United States in any war in which the United States has been, is, or shall be engaged, and who are, or shall be, discharged or separated therefrom under conditions other than dishonorable, to be appointed by the governor with the advice and consent of the council, and provided further that at least one of said appointees shall be a member of the said department of the

United Spanish War Veterans, one of the said department of Veterans of Foreign Wars, one member of the Disabled American Veterans and one member of the Veterans of World War I of the U.S.A., Inc. Each appointed member shall hold office for a term of five years and until his successor is appointed and qualified; and in case of any vacancy, an appointment shall be made for the unexpired term.

Senator McMeekin: "Mr. President, the real change in this bill is to add to the board of Managers of the Soldiers' Home a member of the new organization, Veterans of World War I of the U.S.A., Inc. It names the Commander of this Organization the same as the Commanders of the other organizations and also a member. It changes the wording to bring it in line with other laws now on the statutes."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Lamontagne, for Military & Veterans Affairs:

HB 228, relative to immunities of members of the national guard. Ought to pass.

Senator McMeekin: "Mr. President, it is no longer necessary to have this law in New Hampshire because of a law passed in the federal government last September."

The bill was ordered to a third reading.

Senator Phillips, for Committee on Judiciary:

SB 97, relative to powers of county commissioners over parking areas at county court houses. Inexpedient to legislate.

Senator English: "Mr. President, this bill has to do with the powers of county commissioners over parking at Hillsborough County court house. The committee thought this not a suitable matter for Senate legislation. Mr. Dupont, one of the commissioners, has agreed to solve this problem in another way."

The recommendation of the committee, inexpedient to legislate, was adopted.

### **Committee of Conference Report**

The Committee of Conference to whom was referred House Bill No. 87, An Act relative to taxation of house trailers

having considered the same, report the same with the following recommendations:

That the house recede from its position of non-concurrence, that the senate recede from its position in adopting its amendments and that the house and senate concur in the adoption of the following amendments to the bill:

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1 Taxation. Amend RSA 72 by inserting after section 7 the following new section:

72:7-a House Trailers. House trailers, travel trailers and mobile homes suitable for use for domestic, commercial or industrial purposes are taxable as real estate provided they were brought into this state on or before April first and remain here after April thirtieth in any year; and provided further that any house trailer, travel trailer or mobile home brought into the state on or before April first which shall be removed from the state before the succeeding May first in any year and shall thereafter be brought into the state again before the following December thirty-first shall be taxable as though the same had been in the state continuously from the time it was originally brought into the state; provided further, however, that travel trailers, as determined by the state tax commission, registered in this state for touring or pleasure and not remaining in any one town, city or unincorporated place for more than thirty days, except for storage only, shall be exempt from taxation hereunder, provided, however, that any house trailer or mobile home or so-called travel trailer owned by a non-resident of this state shall not be subject to taxation if said house trailer, mobile home or so-called travel trailer shall not remain in any one town, city or unincorporated place in this state for more than thirty consecutive days during the year. Nothing herein contained shall be construed as changing the method of taxing house trailers and mobile homes held by a manufacturer or dealer as part of his stock in trade.

Amend section 2 of said bill by striking out said section and inserting in place thereof the following:

2 Definition. Amend RSA 260:23 by striking out said section and inserting in place thereof the following: 260:23 Scope of Term "Motor Vehicle". The words motor vehicle as

used in this subdivision shall include all trailers, travel trailers as determined by the state tax commission, and semi-trailers, except house trailers and mobile homes used in connection with a vehicle of the tractor type.

Charles C. Eaton

Paul Provost

Conferees on the Part of the Senate

Carroll A. Hill

Esther Davis

Alton G. Desnoyer

Conferees on the Part of the House

On motion of Senator Provost, the Senate voted to concur in the adoption of the above report of the Committee of Conference.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills:

HB 27, relative to emergency location of state and municipal government.

HB 85, making counties eligible for state aid for water pollution control.

SB 44, relating to devises and bequests to trusts.

HB 65, relative to checklists for co-operative school districts.

HB 120, providing for the classification of certain surface waters of the Piscataqua River watershed.

HB 155, relative to enlarging or reducing the membership of school boards.

SB 19, relative to a school of business at the University of New Hampshire.

HB 77, relative to homicide and offenses against person.

HB 82, giving injunctive relief for violators of water pollution commission orders.

HB 128, establishing the unauthorized insurers false advertising process act.

HB 132, changing the name of Crescent Island in Lake Winnepesaukee to Little Six Mile Island.

HB 233, pertaining to taxation of fallout shelters.

SB 32, relative to assistance to needy blind.

SB 34, establishing the Emergency Interim Succession Act.

SB 42, providing for the attorney general to represent a city or town in certain tax abatement proceedings.

SB 59, relative to affidavits to be signed by candidates for the office of state senator or representative.

Marion L. Phillips  
For the Committee

### **Special Order of Business at 11:01**

Senator Battles called for the Special Order of Business.

Consideration of Senate Resolution relative to compensation of Legal Counsel of Senate.

Senator Battles: "Mr. President, in deference to Senator Eaton, I would move that we make this a Special Order of Business for tomorrow at 11:01."

On a *viva voce* vote, the motion carried.

### **Special Order of Business at 11:02**

Senator Battles called for the Special Order of Business.

Consideration of Resolution offered by Senator Battles relative to Senate rules.

Senator Provost presiding.

Senator Battles: "The Committee on Rules has taken up the matter of some new rules to expedite matters and also to help the members from surprises. I will explain the amendment to Rule 34: 2 changes (see Page 302 of the Journal of Wednesday, the 22nd.

(Discussion ensued)



On motion of Senator Green, the amendments to Senate Rule 34 as printed in the Journal above, were adopted.

Amend Senate Rule 34 by inserting after the word "Senate," the following, unless one day's notice has been given, so that said rule shall read as follows:

34. No standing rule of the Senate shall be suspended unless two-thirds of the members present vote in favor thereof, both a motion to vacate a reference to Committee and a motion to discharge a Committee shall be considered a suspension of the rules of the Senate, unless one day's notice has been given, and no rule shall be rescinded unless one day's notice of the motion has been given and two-thirds of those present vote therefor.

Senator Green, for the Committee, withdrew new rule 1 from further consideration.

Senator Green presiding.

Senator Battles moved that new Senate rule 3 as amended be adopted and that it be listed and numbered as Senate rule 34-A.

3. At any time after a bill or resolution has been referred to a committee, and before said committee has held a public hearing on same, the President subject to approval by a majority of the Senate or the Senate on its own motion by majority vote may order said committee to hold a public hearing on said bill or resolution within three legislative days from the date of said order. If said order is not complied with, the President shall vacate the reference of said bill or resolution to said committee and refer it to another committee. After a public hearing has been held on a bill or resolution which is in the hands of a committee, the President subject to approval by a majority of the Senate or the Senate on its own motion by majority vote, may order said committee to report its findings on said bill or resolution to the Senate within three legislative days from the date of said order. If said order is not complied with the President shall revoke the reference of such bill or resolution to committee and place such bill or resolution before the Senate for action, upon giving a notice of three legislative days in the calendar of the Senate. A committee report filed on or before the expiration of such three day notice shall take precedence over the order of revocation of the President.

(Discussion ensued)

On a *viva voce* vote, the affirmative prevailed, and the new rule was adopted.

Senator Battles moved that Rule 2 as amended be adopted.

Amend proposed rule 2 of the resolution by striking out the words, "after one day's notice" and adding at the end of the sentence the words, except after three legislative days' notice a majority may take any matter from the table, so that amended rule 2 shall read as follows:

When a question has been laid upon the table, it shall require a vote of two-thirds of those present and voting to take it from the table, except that after three legislative days' notice a majority may take any matter from the table.

(Discussion ensued)

On a *viva voce* vote, the affirmative prevailed, and proposed rule 2 as amended was passed and added as a new paragraph at the end of Rule 34.

Senator Battles moved that proposed rule 4 be amended by striking out all after the word "to" and inserting in place thereof the following: 1 vote as a member of the joint committee, so that said proposed rule 4 shall read as follows: In the event a matter is referred to two or more standing committees as a joint committee, a member who is a member of more than one of said committees shall be entitled to one vote as a member of the joint committee.

(Discussion ensued)

On a *viva voce* vote, the affirmative prevailed, and rule 4 was added as a new paragraph to rule 18 of the Senate rules.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time.

### Afternoon Session

#### Third Reading and Final Passage of Bills

SB 52, relative to licensing of dogs.

SB 73, to change the personnel of the Board of Managers of the New Hampshire Soldiers' Home.

HB 53, relative to meetings of the inter-departmental committee on welfare and institutions.

HB 106, relative to frozen desserts.

In connection with HB 228, relative to immunities of members of the national guard, Senator Eaton moved that the Senate reconsider its vote whereby it ordered the above entitled bill to a third reading and requested a Division vote on the motion.

Six Senators having voted in the affirmative, and nine Senators having voted in the negative, the negative prevailed, and the motion to reconsider was lost.

### **Third Reading of Bill**

HB 228, relative to immunities of members of the national guard.

On motion of Senator Paquette, the Senate adjourned at 1:05 P.M.

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WEDNESDAY, MARCH 29, 1961

The Senate met according to adjournment.

### **Resolution**

On motion of Senator Battles the following Resolution was unanimously adopted:

*Whereas*, Senator Cecil Charles Humphreys of District 24 is ill and confined to the Portsmouth City Hospital, therefore be it

*Resolved*, That we, the members of the Honorable Senate, do hereby express our sympathy to our fellow member in his illness and send our best wishes for his speedy recovery to good health, and be it further

*Resolved*, That the Clerk of the Senate transmit a copy of these Resolutions to Senator Humphreys.

**House Message**

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 92, to provide for cumulative pocket supplements for Revised Statutes Annotated.

HB 226, providing for a closed season on black bear.

HB 308, relative to released time for music instruction.

The Message further stated that the House has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 18, providing for the election of county commissioners for the county districts of Coos County.

SB 19, relative to a school of business at the University of New Hampshire.

SB 55, relative to trespassing on private roadways with a motor vehicle.

SB 59, relative to affidavits to be signed by candidates for the office of state senator or representative.

SB 42, providing for the attorney general to represent a city or town in certain tax abatement proceedings.

SB 32, relative to assistance to needy blind.

SB 34, establishing the Emergency Interim Succession Act.

The Message further stated that the House has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following entitled House bill, in the adoption of which amendment the House asks the concurrence of the Honorable Senate:

HB 4, relative to radiation protection.

Amend RSA 125:44 as inserted by section 1 of said bill by striking out all after the words "public hearing" in the sixth line and inserting in place thereof the following:

Said public hearing shall be held by the state board of health or its duly authorized representatives provided that

thirty days' notice thereof shall be given by public advertisement stating the date, time and place of the hearing; provided further that no such amendment or repeal shall be or become effective until thirty days after such public hearing.

On motion of Senator Phillips, the Senate voted to concur in the adoption of the amendment to the above entitled bill as offered by the Committee on Engrossed Bills.

### **Read and Referred**

To the Committee on Finance:

HB 92, to provide for cumulative pocket supplements for Revised Statutes Annotated.

To the Committee on Fisheries and Game:

HB 226, providing for a closed season on black bear.

To the Committee on Education:

HB 308, relative to released time for music instruction.

### **Communication**

The Honorable Samuel Green  
President of the Senate  
State House  
Concord, New Hampshire

Dear Sam,

Accept my deep appreciation extended to the Honorable Senate and Attaches for the Resolution on the passing of my Mother.

The support of good friends has been a source of strength in recent days. My father and brother, as well, will be most grateful to the Senate for their kindness.

Sincerely,

George J. W. Pennington

### **Introduction, First & Second Reading of Senate Bills**

SB 107, relative to salaries of legislative attaches. (Caron, with consent of Rules Committee) To Finance Committee.

SB 108, relating to permanent police officers. (Lamontagne, with consent of Rules Committee) To Judiciary.

SB 109, to provide full pay for employees of the state police incapacitated in line of duty subject to certain conditions. (Cleveland, with consent of Rules Committee) To Judiciary.

### Committee Reports

Senator Phillips, for the Committee on Judiciary:

SB 103, requiring earlier application by voters demanding insertion of an article in the warrant. Ought to pass.

Senator Cleveland: "Mr. President, this bill, introduced by Senator Bunten, requires that when voters want to put an article in the warrant, it must be done 40 days before Town Meeting instead of the present requirement of 25 days. The reason being, it will permit the selectmen to get this warrant together and printed. It is good practice and probably proper practice to see that the final warrant goes into the town report so that all may have an opportunity to read it."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 147, relative to the eligibility for release on parole at the expiration of the minimum term. Ought to pass.

Senator Cleveland: "Mr. President, this is a non controversial bill that changes the word 'shall' to 'may' in the statutes and also brings one statute in line with the language in another statute."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 263, relative to the fire department of the city of Franklin and to salary of the city treasurer. Ought to pass.

Senator Cleveland: "Mr. President, this bill simply amends the city charter of the city of Franklin."

The bill was ordered to a third reading.

Senator Sawyer, for the Committee on Executive Dept., Municipal & County Government:

HB 151, to permit the state library commission to enter into agreements or compacts. Ought to pass.

Senator Buckley: "Mr. President, this is more or less of a reciprocity bill between states, specially on papers and magazines. One of the items that the library said they had trouble in transferring was books when they had no right to do so."

The bill was ordered to a third reading.

Senator Sawyer, for the Committee on Executive Dept., Municipal & County Government:

SB 86, relative to the term of office of highway agents in the town of Freedom. Ought to pass.

Senator Buckley: "Mr. President, it seems that in the town of Freedom they elect their highway agents for a term of one year. It has been difficult to get a highway agent to make that initial investment unless he might be assured of a longer term of office. This bill makes the term for three years instead of the one year."

The bill was ordered to a third reading.

Senator Monahan, for the Committee on Education:

SB 92, relating to retirement benefits for Hazel D. Lord, beneficiary under nomination of Edgar L. Lord, Ought to pass.

Senator Holmes: "Mr. President, SB 92 provides for the payment of retirement benefits to Hazel D. Lord, beneficiary under nomination of her husband Edgar L. Lord, Superintendent of Schools in Claremont, who died June 22, 1960. Mr. Lord had been a teacher for 40 years and a member of the New Hampshire Teachers Retirement system since its beginning in 1937. He had elected to take his benefits under an option allowing his wife a lifetime income. However, there is a waiting period of 30 days before an option may be effective, and Mr. Lord died before the expiration of this waiting period. This left his wife unable to collect according to the option. This bill specifically authorizes that she collect as provided in the option. The committee thinks the situation remedies an undeserved hardship which occurred under a waiting period which should not exist, and unanimously reports the bill ought to pass."

The bill was ordered to a third reading.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House Bill:

HB 87, relative to taxation of house trailers.

Robert S. Monahan  
For the Committee

The President recognized Senator Eaton who moved that the rules of the Senate be so far suspended as to permit the introduction of a Committee Report not previously advertised.

Senator McMeekin inquired what the bill was.

Senator Eaton replied: "HB 97, providing for the assessment and collection of a special head tax for state purposes."

Senator McMeekin spoke against the motion to suspend the rules above, and moved that consideration of the motion be made a Special Order of Business for tomorrow morning at 11:01 and spoke in support of that motion.

(Discussion ensued)

Senator Lamontagne presiding.

Senator Provost moved the previous question, seconded by Senator Caron.

On a *viva voce* vote, the affirmative prevailed.

Question being on motion of Senator McMeekin for Special Order.

On a *viva voce* vote, the negative prevailed, and the motion was lost.

Question now being on motion of Senator Eaton to suspend the rules.

Senators Holmes and Phillips spoke in support.

(Discussion ensued)

Senator Caron moved the previous question, seconded by Senator Battles.

On a *viva voce* vote, the affirmative prevailed.



Question now being on motion of Senator Eaton.

On a *viva voce* vote, the affirmative prevailed and the motion carried.

### Committee Report

Senator Eaton, for the Committee on Ways & Means:

HB 97, providing for the assessment and collection of a special head tax for state purposes. Ought to pass.

Senator Caron moved that the bill be indefinitely postponed, seconded by Senator Provost.

On a *viva voce* vote, the negative prevailed, and the motion was lost.

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading.

### Special Order of Business at 11:01

Senator Eaton called for the Special Order. Being consideration of Senate Resolution relative to compensation of Legal Counsel of the Senate.

On motion of Senator Eaton, consideration of the above Senate Resolution was made a Special Order of Business for tomorrow morning at 11:01.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time.

### Afternoon Session

#### Third Reading of Bill

HB 97, providing for the assessment and collection of a special head tax for state purposes, was read a third time.

Question being: Shall the bill pass?

On this question, Senator McMeekin demanded a Roll Call.

The Clerk proceeded to call the Roll.

The following named Senators voted in the affirmative: Senators Lamontagne, Drake, McMeekin, Sawyer, Monahan,

Cleveland, Phillips, Dunlap, Eaton, English, Holmes, Bunten, Cheney, Dunnington, Buckley and Battles.

The following named Senators voted in the negative: Senators Paquette, Caron, Provost, Daniel and Bergeron.

Sixteen Senators voted in the affirmative, five Senators voted in the negative.

Senator Gardner, upon her return to the Senate Chamber, desired to be recorded as voting in the affirmative.

Seventeen Senators having voted in the affirmative, and five Senators having voted in the negative, the affirmative prevailed, and the bill passed.

On motion of Senator Eaton, the Senate refused to reconsider its vote whereby it passed the above entitled bill.

### **Third Reading and Final Passage of Bills**

SB 103, requiring earlier application by voters demanding insertion of an article in the warrant.

HB 147, relative to the eligibility for release on parole at the expiration of the minimum term.

HB 263, relative to the fire department of the city of Franklin and to salary of the city treasurer.

SB 92, relating to retirement benefits for Hazel D. Lord, beneficiary under nomination of Edgar L. Lord.

HB 151, to permit the state library commission to enter into agreements or compacts.

SB 86, relative to the term of office of highway agents in the town of Freedom.

On motion of Senator Paquette, the Senate adjourned at 12:45 o'clock.

THURSDAY, MARCH 30, 1961

The Senate met according to adjournment.

### Guests

As guests of Senator English: Reverend and Mrs. George D. Chapman of Rindge Congregational Church and Mrs. James F. Allen, the wife of Representative Allen of Rindge.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

HB 343, relative to classification of a highway in the town of Goffstown and the city of Manchester.

The Message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following Concurrent Resolution at 11:02 A.M.:

Concurrent Resolution ratifying a proposed amendment to the Constitution of the United States of America.

### Read and Referred

To the Committee on Public Works:

HB 343, relative to classification of a highway in the town of Goffstown and the city of Manchester.

### Introduction, First & Second Reading of Senate Bill

SB 110, establishing a special fund for payments to persons killed or injured from accidental shooting. (Cleveland & Drake)  
To Joint Committee of Judiciary and Fisheries & Game.

### Committee Reports

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House Bill:

HB 97, providing for the assessment and collection of a special head tax for state purposes.

Marion L. Phillips  
For the Committee

**Special Order of Business at 11:01**

Senator Eaton called for the Special Order. Being consideration of Senate Resolution relative to compensation of Legal Counsel of the Senate.

On motion of Senator Eaton, the Senate resolved itself into a Committee of the Whole.

(Committee of the Whole)

The Senate in regular session.

On motion of Senator Bergeron, the rules of the Senate were so far suspended as to permit the introduction of a Committee not previously advertised in the Journal.

**Committee Report**

Senator Bergeron, for the Committee of the Whole:

Senate Resolution relative to compensation of Legal Counsel of the Senate. Ought to be adopted, as amended.

**Senate Resolution**

Introduced by: Senator Eaton of District No. 10  
Senator Caron of District No. 17

*Be it Hereby Resolved*, by the Senate of the 1961 New Hampshire General Court, that:

1 The compensation of the legal counsel of the senate is hereby fixed at the rate of eight hundred dollars per month and said compensation shall be a charge on the legislative appropriation.

2 Irrespective of whether the general court is then in session, the legal counsel of the senate is hereby employed for the period from the first Monday following the biennial election day of 1962 to the convening of the 1963 General Court, or until his successor is elected; and, is hereby empowered, charged and directed, in addition to performing his duties as provided by statute and the rules of the senate, to inform all senators and senators-elect of the availability of his services and to do all in his power to have drafted, printed and ready for introduction as many bills and resolutions as possible by the date of the convening of the 1963 General Court.

On motion of Senator McMeekin, the following amendment to the Resolution was adopted:

Amend the Resolution by striking out the words "Eight hundred dollars per month" in paragraph 1 and inserting in place thereof the following, One Hundred Eighty-five dollars per week.

On a *viva voce* vote, the Resolution as amended was adopted.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time, and when the Senate adjourns today, it be to meet next Tuesday morning at 11 o'clock.

On motion of Senator Paquette, the Senate adjourned at 12:25 o'clock.

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TUESDAY, APRIL 4, 1961

The Senate met according to adjournment.

#### Leave of Absence

Senator Humphreys was granted leave of absence for the week on account of illness.

#### Guests

As the guest of Senator English, Airman David Darling of Jaffrey.

As the guest of Senator Buckley, George T. Hemming of Hillsboro.

As the guest of Senator Eaton, Mr. Joseph Dobson of Nelson.

As the guest of Senator Lamontagne, Mr. Robert J. Cohen of Manchester.

As the guests of Senator English, Mrs. Joseph Close, the wife of the owner of radio station WKNE at Keene, and son, Harold Close.

As the guests of Senator Eaton, Mr. James Ewing, publisher of the Keene Sentinel, Mrs. Ewing and daughter Caroline.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills and joint resolution; in the passage of which it asks the concurrence of the Honorable Senate:

HB 199, relating to the salaries of mayor and councilmen of the city of Franklin.

HB 222, regulating the provisions for selling and serving milk.

HB 276, relative to purchase of milk for resale or manufacture.

HB 288, relative to rules and regulations and permit fees for receiving stations for milk.

HJR 8, in favor of the New Hampshire Veterans Association.

The Message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 61, relative to town appropriations under the municipal budget law.

### Read and Referred

To the Committee on Judiciary:

HB 199, relating to the salaries of mayor and councilmen of the city of Franklin.

To the Committee on Agriculture:

HB 222, regulating the provisions for selling and serving milk.

HB 276, relative to purchase of milk for resale or manufacture.

HB 288, relative to rules and regulations and permit fees for receiving stations for milk.

To the Committee on Finance:

HJR 8, in favor of the New Hampshire Veterans Association.

### **Introduction, First & Second Reading of Senate Bill**

SB 112, increasing the powers of the college of advanced science. (Monahan) To the Committee on Education.

### **Committee Reports**

Senator Caron, for the Committee on Finance:

HJR 4, relative to funds for the Eastern New Hampshire Turnpike. Ought to pass.

Senator Cheney: "Mr. President, House Joint Resolution No. 4 authorizes the Department of Public Works and Highways to meet its legal obligations. The funds required are to permit the Department to pay land damage claims which were carried to the courts and which the courts have awarded.

"The funds required will come from Toll Road revenue. The Department has the money set aside to pay these damages but it is necessary to have legislative authorization. These awards will complete the State's land damage problems on the Spaulding Turnpike.

"The courts decisions were made final last October and since that time the State has been paying interest on these awards.

"The former land owners are naturally anxious to be paid, and it is in the best interest of the State to pay them as soon as possible to eliminate the payment of any more interest.

"The Finance Committee is convinced that this authorization is necessary and therefore urges the passage of this resolution."

The joint resolution was ordered to a third reading.

Senator Caron, for the Committee on Finance:

HB 1, relative to state advertising. Ought to pass.

Senator Cheney: "Mr. President, House Bill No. 1 calls for a *re*-appropriation of \$20,000. I say *re*-appropriation because

the money was appropriated in 1959 and through a misunderstanding, lapsed to surplus.

"You may recall that in 1959 a Special Act was passed providing for an additional advertising campaign by the Planning and Development Commission in cooperation with the Recreation Division. Generally the funds provided in a Special Act are available for three years. The Act however, appropriated \$60,000. for each year of the biennium. In 1960 only \$40,000. of this amount was spent, \$20,000. having been ear-marked for a new map brochure, to be used in this year's Spring advertising campaign.

"Since the funds were appropriated by a special act, and since the \$20,000. had been set aside for this specific purpose, the Department proceeded in good faith with its map brochure.

"Early this year, the Department set about letting bids for this piece of advertising, only to find that the funds so confidently set aside had lapsed.

"After lengthy consultation with the Governor and Comptroller, it was determined that a bill must be introduced to recapture these funds. A great deal of work has already been done on this, in fact the brochure is ready for final printing. Since the printing of this brochure is way overdue for the spring promotion campaign it is urgent that we authorize these funds.

"The Finance Committee is convinced that the funds lapsed through a true misunderstanding, and therefore, urge the passage of this bill to enable the Department to proceed as soon as possible."

The bill was ordered to a third reading.

Senator Caron, for the Committee on Finance:

HB 34, providing for the publication of the commercial code as a part of the Revised Statutes Annotated. Ought to pass.

Senator Cheney: "Mr. President, This bill provides for the official printing of a bill passed in the 1959 Legislative Session, which becomes effective on July 1, of this year 1961.

"Due to the fact that this bill is so voluminous and will be even more so when the annotations are added it is not possible



to print in in the supplements. It has been determined that it will require a separate volume of the Revised Statutes Annotated. No funds were made available to the Secretary of State to permit such a printing in 1959.

"Since the effective date of this act is July 1, 1961 it is urgent that the Secretary of State be authorized to see that it is printed immediately, so that it may be available to those persons who will be required to comply with its provisions.

"The Secretary of State will sell copies to attorneys and others and thus the State will recover the major part of the appropriation called for. The price to persons other than those listed in the bill will be \$20.00 per copy. Free copies will be available to the same list of persons who received free copies of the original printing of the RSA.

"The Finance Committee urges the passage of this act so that the Constitutional provision that all acts be printed may be complied with immediately and printed copies will be available by the effective date."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

SB 37, permitting property tax exemptions of ski areas under certain conditions. Ought to pass.

Senator Cleveland: "Mr. President, SB 37 and SB 38, which I will discuss in detail later, are both recommended by the Winter Facilities Development Committee, established by SJR 1. In their preliminary report, this Committee calls to the attention of the General Court the startling disparity between ski development in New Hampshire and Vermont. Ten years ago, the two states were about equal and now Vermont has capacity three times greater than New Hampshire. Last year, Vermont installed new capacity at a rate 6 times greater than New Hampshire.

"It should be borne in mind that many of these developments, particularly the chair lift and access roads, are helpful for the summer business. The Winter Facilities Development Committee, on which I have the honor to serve, consists of the following:

Governor's Councilor Philip A. Robertson, Esq.  
John Carleton, Esq. — Representing Public  
Planning and Development Commission  
Forestry and Recreation Commission  
Public Works and Highways  
Eastern Amateur Ski Association  
New Hampshire Passenger Tramway Safety Board  
Council of Region Associations  
Association of Commercial Executives  
Eastern Area Operators Association  
New England Rope Tow Owners Association  
Belknap Recreation Area Commission  
U. S. Forest Service  
Economic Growth Survey Committee  
N. H. Hotel Association

"In addition, numerous other individuals and corporations are participating in the deliberations of the Committee. In the near future, their final report will be available.

"It is my understanding that the Governor's office is sponsoring legislation which will assist in greater development and the Committee will make other recommendations. In the meantime, it is hoped that SB 37 and SB 38 can be passed as they are a step in the right direction. They are purely permissive and we believe will service notice that we intend to get back in the race in this very large and important and ever increasing segment of the recreational business."

Senator Cleveland: "Mr. President, SB 37 is self explanatory by its title. The conditions under which these ski areas can have property tax exemptions — the ski area has to give the local inhabitants a special reduced rate and they have to submit to the selectmen a financial statement certified to by a public accountant and they have to do this for each year. Then the town fathers, or the voters of a town, can vote this in whole or in part. This is permissive legislation. Much that I have said applies also to SB 38."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

SB 38, to enable towns and cities to contribute to ski areas under certain conditions. Ought to pass with amendment.

Amend said bill by adding after the word "reduced" in line four thereof the word, annual. Further amend said bill by adding after the word "money" in line six thereof the word, thus, so that said bill as amended shall read as follows:

Amend RSA 31:4 by adding at the end thereof the following new section: XXXVI Ski Areas. To contribute towards the expense of building, operating and maintaining a public or privately owned ski area, provided the said area offers to the inhabitants of the town specially reduced annual rates for the use of its facilities, and provided further such contribution shall not exceed an amount equal to the money thus saved to said inhabitants by such reduced rates.

Senator Cleveland: "Mr. President, I will speak on the amendment and the bill. The amendment is a Committee amendment and simply adds two words. This bill permits towns to contribute to a ski area under certain conditions. As most of you know, there is a provision in the general statutes that they may do certain things with funds. This adds a new section that permits a town, by vote of the town, to contribute to a ski area. There is a limitation — a town may only give to a ski area that gives to local inhabitants in the town a special reduced rate, contribution to be no greater than the savings given to the inhabitants of the town. For example, if the usual charge is \$25, the local inhabitants would be charged \$10 instead, thereby a saving of \$15. The Tax Commission who drafted this bill thought that should be in there. The amendment adds the word "annual" so that the bill as amended provides for towns to contribute toward the expense of building and maintaining ski areas providing special reduced annual rates for inhabitants of the town is allowed, same not to be more than annual savings."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

SB 93, relative to the detention of children in the state prison. Recommend that the bill be referred to the Judicial Council.

Senator Cleveland: "Mr. President, for the general information of the Senate, this bill is one that I have unsuccessfully sought to have passed before. What this bill does is simply

to say that if the trustees of the Industrial School transfer a child from there to the State Prison, the case must be subject to review after transfer."

On a *viva voce* vote, the recommendation of the Committee was adopted, and the bill was referred to the Judicial Council.

Senator Phillips, for the Committee on Judiciary:

SB 105, relative to petitions for inquiry under the sexual psychopath act. Ought to pass.

Senator Cleveland: "Mr. President, this is a simple and non controversial bill. It might be called just a housekeeping bill. Under the present law, only the County Attorney can petition a prisoner. What this bill does, it permits, if the County Attorney is not available, the Attorney General or his Deputies to do so."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 94, relative to violations of hunting and boating laws by minors sixteen years of age or over. Ought to pass.

Senator Cleveland: "Mr. President, this bill adds to the exceptions in the juvenile law, hunting and boating. The exceptions already in the law are motor vehicle and aeronautics. Under the juvenile law, between the ages of 16 and 18, they are not treated as juveniles if they violate motor vehicle and aeronautics laws. The purpose of this bill is to add to this exception, hunting and boating."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 207, establishing the Lake Sunapee Regional Planning Authority. Ought to pass.

Senator Cleveland: "Mr. President, this is a noncontroversial but somewhat interesting bill that takes care of the situation whereby Lake Sunapee is located in three separate towns, not to mention, three separate Senatorial Districts and two Counties. This gives rise to certain planning problems. The selectmen of the various towns have found need for the au-

thority to plan together about mutual problems involving this area."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 231, relative to the salary of the justice of Northumberland municipal court. Ought to pass.

Senator Cleveland: "Mr. President, we understand that the town has already voted the salary of \$800 that this bill designates."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 246, relative to absentee voting. Ought to pass with amendment.

Amend said bill by striking out section 3 thereof.

Further amend said bill by renumbering section 4 to read section 3.

Senator Cleveland: "Mr. President, the purpose of this bill is to make more precise the duties of the town clerk in connection with absentee ballots. The amendment strikes out the penalty clause, with the thought that it was a little harsh, in cases where they were not aware that they have been violating the provisions of the absentee ballot provision."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Buckley, for the Committee on Transportation:

SB 99, to regulate the sale and use of hydraulic brake fluids for motor vehicles. Ought to pass.

Senator Buckley: "Mr. President, this is a bill that came in at the request of the Motor Vehicle Department and is to prevent the use of hydraulic brake fluid that is inferior, which heats up and the brake does not take effect. No opposition. Inspector Gould appeared for the bill."

The bill was ordered to a third reading.

Senator Buckley, for the Committee on Transportation:

SB 106, requiring the filing of flight plans. Inexpedient to legislate.

Senator Buckley: "Mr. President, it was pointed out at the hearing that most of these airplane accidents are not caused by not knowing where the planes are. They are caused by the planes being blown off the course. Russell Hilliard and two others appeared in opposition. A telegram from the Regional Counsel of Airport Agencies in New York claimed that it was not a workable bill. The constitutionality of the bill was also questioned."

On a *viva voce* vote, the recommendation of the Committee was adopted.

Senator Buckley, for the Committee on Transportation:

HB 15, relative to transportation of cylinders of liquefied petroleum gas. Ought to pass.

Senator Buckley: "Mr. President, this in effect is the same thing that we have on gasoline; that every truck carrying explosives has to stop at railroad crossings. This broadens it to include petroleum gas. No objection. Inspector Gould and the Secretary of the Petroleum Industry appeared in favor of the bill."

The bill was ordered to a third reading.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time.

### Afternoon Session

#### Third Reading and Final Passage of Bills & Joint Resolution

SB 37, permitting property tax exemptions of ski areas under certain conditions.

SB 38, to enable towns and cities to contribute to ski areas under certain conditions.

SB 99, to regulate the sale and use of hydraulic brake fluids for motor vehicles.

SB 105, relative to petitions for inquiry under the sexual psychopath act.

HB 1, relative to state advertising.

HB 15, relative to transportation of cylinders of liquefied petroleum gas.

HB 34, providing for the publication of the commercial code as a part of the Revised Statutes Annotated.

HB 94, relative to violations of hunting and boating laws by minors sixteen years or over.

HB 207, establishing the Lake Sunapee Regional Planning Authority.

HB 231, relative to the salary of the justice of Northumberland municipal court.

HB 246, relative to absentee voting.

HJR 4, relative to funds for the Eastern New Hampshire Turnpike.

On motion of Senator Paquette, the Senate adjourned at 12:08 o'clock.

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WEDNESDAY, APRIL 5, 1961

The Senate met according to adjournment.

### **Leave of Absence**

Senator Dunlap was granted leave of absence for the day on account of important business.

### **Guests**

As guest of the entire Senate, former President of the Senate Norman A. Packard of Manchester.

As the guest of Senator English, Kenneth Whiton, an instructor at Monadnock Community College.

As guests of Senator McMeekin, several students from Haverhill Academy.

**House Message**

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 327, relative to registration of tax appraisers.

HB 352, relative to appeals for permanent state employees.

HB 355, providing for the classification of certain surface waters of the Otter Brook watershed.

The Message further stated that the House concurs with the Honorable Senate in the passage of the following entitled bill, with amendment, in the passage of which amendment the House asks the concurrence of the Honorable Senate:

SB 47, relative to taxation of road building or construction equipment to be used for a temporary purpose.

Amend RSA 73:5-a, as inserted by section 1 of the bill, by striking out in the seventeenth line the word "clerk" and inserting in place thereof the word, treasurer, so that said section as amended shall read as follows:

73:5-a Permit for Temporary Use. Whenever after April first and before December thirty-first a person, firm or corporation brings into any town in the state any road building, road repairing or construction machinery or equipment to be used for a temporary purpose and said machinery or equipment has not been taxed in the state for that year, said machinery or equipment may be used in said town for a period not exceeding ten days without being subject to taxation provided the owner or the person having the custody and control of said machinery or equipment obtains a permit to use said property in said town from the town clerk and pays the required fee therefor before using said property. The fee for said permit shall be ten dollars for each day and fractional part thereof for each piece of machinery or equipment. If the machinery or equipment is removed from the town before the time limitation of the permit has expired, a proportional part of the fee for the permit shall be refunded to the holder of the permit by the town treasurer upon order of the selectmen. If said machinery and equipment remains in said town for more than ten



days then the same shall be taxable and the amount of the permit fee paid shall be a credit against the amount of the tax assessed against the property. Failure to obtain a permit as herein provided before using said machinery or equipment shall be a misdemeanor punishable by a fine not exceeding two hundred dollars which, less the costs of court, shall be for the use of the town where the machinery was used.

On motion of Senator Eaton, the reading of the lengthy amendment was dispensed with.

Senator Eaton explained: "Mr. President, the amendment is simply a technical change. It changes the word 'Clerk' to Treasurer."

On further motion of the same Senator, the Senate voted to concur in the adoption of the amendment offered by the House.

The Message further stated that the House has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 35, to broaden the curriculum at teachers colleges.

SB 62, relative to information reports from so-called small business corporations.

SB 64, relative to the compensation of Cheshire County commissioners.

The Message further stated that the House has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

HB 106, relative to frozen desserts.

### **Read and Referred**

To the Committee on Judiciary:

HB 327, relative to registration of tax appraisers.

To the Committee on Executive Dept., Municipal & County Government:

HB 352, relative to appeals for permanent state employees.

To the Committee on Resources, Recreation & Development:

HB 355, providing for the classification of certain surface waters of the Otter Brook watershed.

### **Introduction, First & Second Reading of Senate Bills**

SB 111, requiring examination before the issuance of hunting licenses. (Holmes) To the Committee on Fisheries & Game.

SB 113, relative to foster day care homes. (Buckley) To the Committee on Public Health, Welfare & State Institutions.

SB 114, relative to discharge and temporary absences of inmates at the state hospital. (Sawyer) To the Committee on Judiciary.

### **Committee Reports**

Senator Phillips, for the Committee on Judiciary:

SB 108, relating to permanent police officers. Ought to pass.

Senator Cleveland: "Mr. President, the purpose of this bill is to amend the law relating to permanent police officers, making it permissive for the town fathers of the town to relieve a permanent police officer for cause after notice and hearing. This apparently was left out of the law when first adopted."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

SB 109, to provide full pay for employees of the state police incapacitated in line of duty subject to certain conditions. Ought to pass.

Senator Cleveland: "Mr. President, the purpose of this bill is to give a state police officer full pay if he is incapacitated in line of duty. Prior to this, there have been several examples of extreme hardship where a state police officer incapacitated in line of duty was unable to qualify or collect unemployment compensation for a long period of time. The policy behind this bill is to recognize the fact that the state troopers are in an extremely hazardous type of duty and they should not have it on their minds if they are incapacitated that they or their families will suffer. This brings New Hampshire law into line with

Vermont and Massachusetts. Maine has a similar provision, but not exactly the same. There is no time limit, but it is like any state law, the Legislature can always change it if they find there is a need for it."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 291, in relation to discharging firearms. Ought to pass with amendment.

Amend said bill by adding at the end of section 1 thereof the following: Any ordinance or by-law adopted by a city or town hereunder shall provide that notices printed with block letters not less than two inches in height with the words "no hunting or no discharging firearms" shall be posted along public highways in the restricted area at intervals of at least two hundred yards, so that said section as amended shall read as follows:

1 Firearms. Amend RSA 570:5 by striking out said section and inserting in place thereof the following: 570:5 Discharging Firearms, etc. No person shall, within the compact part of a town or city nor within the areas of a city or town designated by ordinance or by-law, fire or discharge any cannon, gun, pistol, or other firearms; nor fire or discharge any rockets, squibs, or firecrackers except by written permission of the chief of police or the selectmen in the case of towns or the chief of police in the case of cities, nor knowingly raise or repeat a false cry of fire. Any ordinance or by-law adopted by a city or town hereunder shall provide that notices printed with block letters not less than two inches in height with the words "no hunting or no discharging firearms" shall be posted along public highways in the restricted area at intervals of at least two hundred yards.

Senator Cleveland: "Mr. President, this bill came to us from the House without the amendment. The purpose of the bill was to permit a city or town to pass an ordinance relative to the confining of discharging of firearms in areas that are not compact areas. Under the present law, it is impossible for the town fathers to control the discharging of firearms other than in compact areas. Representatives of the sporting clubs were there which explains the amendment. They have no ob-

jection to the bill but feel that any area other than a compact area should be posted."

Senator Drake inquired if there would be a chance of any conflict with the hunting laws.

Senator Cleveland replied: "The President of the sporting club was at the hearing and it was at his suggestion that we put in the amendment."

Senator Paquette inquired if there was any provision for a fine.

Senator Cleveland: "This is permissive legislation. This permits the city or town to pass such an ordinance in this area. Right now, the city cannot do it."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Bergeron, for the Committee on Banks & Insurance:

SB 48, amending the financial responsibility act. Ought to pass with amendment.

Amend said bill by striking out everything after the enacting clause and substituting in place thereof the following:

1 Consent of Creditor. Amend RSA 268 by inserting after section 12 the following new section: 268:12-a Exception when Consent or Agreement is Granted by Creditor. If a case is settled by agreement and the creditor consents in writing, on such form as the department may prescribe, that the agreement debtor be allowed license and registration, or nonresident's operating privileges, the same may be allowed by the department, in its discretion, for six months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such agreement. In the event the agreement debtor fails to pay any installment as specified, then upon written notice of such default the department shall forthwith suspend the license, registration or nonresident's operating privileges until such agreement is satisfied as provided in this act.

2 Duty to Act. Amend RSA 268 by inserting after section 20 the following new section: Chapter 268:20-a Responsibility

for Cancellation. A person required to have financial responsibility certificate on file with the motor vehicle department shall assume the responsibility of having new certificates filed. If a person's financial responsibility certificate is cancelled, in accordance with the provisions of this chapter, and a renewal certificate or a new certificate has not been filed with the department on or before the effective date of the suspension, or he fails to surrender to the commissioner the suspended license, registration certificate and plates on or before the effective date of suspension, the commissioner shall not reinstate or restore the suspended items until they are received at the department, and until such person pays the \$2.00 service fee, and a new financial responsibility certificate is received at the department indicating future proof of coverage, as required by the provisions of this chapter.

3 Takes Effect. This act shall take effect sixty days after its passage.

Senator Bergeron: "Mr. President, I sponsored this bill for Mr. Gould in the Motor Vehicle Department. I will explain as the Chairman of the Committee, Senator Dunlap, is not here. New Hampshire has a 7 year law. 35 states have a 3 year law. Also the bill changed the time from 10 to 20 days. There was some objection. The amendment left it at 10 days and changed it to 5 years instead of 7. Also, by law now if somebody has a second conviction of the speeding law, they must turn in their plates and license. This has proven very inconvenient. The \$2 charge, when licenses or registrations are suspended with the 10 day notice and they are not turned in by mail, the Department has to send an inspector out and pick them up."

(Discussion ensued)

Senator Bergeron requested a two minute Recess, which was granted by the Chair.

(Recess)

The Senate reassembled.

Senator Holmes presiding.

On motion of Senator Bergeron, further consideration of the above entitled bill and proposed amendment was made a Special Order of Business for tomorrow morning at 11:01 o'clock.

**Committee Reports (continued)**

Senator English, for the Committee on Labor:

SB 63, providing for the registration of electricians. Inexpedient to legislate.

Senator Phillips: "Madam President, this bill, I believe, is more or less a biennial bill. It was given a lengthy hearing. We felt that everyone had a fair chance to be represented and to speak. It was about equally divided, those opposed and those for the bill. There seemed to be confliction in the way the bill is written and it seemed to be rather contradictory in one or two instances. Therefore, the Committee moved that the bill be reported inexpedient to legislate. It was felt that perhaps at a later time some of these factors that were causing difficulties might be ironed out and a similar bill made of it."

Senator Drake: "Madam President, I regret that the Committee did not see the necessity of giving this more consideration. As a fire chief of long standing, I have been concerned about the lack of licensing of electricians in this State; workmen doing this type of work without proper knowledge and ability. We cannot restrict people from doing their own work, but we should restrict people coming in and doing wiring jobs for which they are not qualified. It would seem to me that more consideration should be given to the bill."

Senator Lamontagne: "I would say that your cities certainly can adopt ordinances and also the towns. I cannot see why this decision is not left to the local communities. I am sure Manchester has a code. Berlin has one. I think this should be taken care of in their own communities."

Senator Drake spoke in opposition to the above.

Senator Bergeron moved that the bill be referred to the Legislative Council and spoke in support.

Senator Phillips: "There seems to be conflict in the way this bill is written to a certain degree. No one stated that there were not desirable features in the bill but it was so complicated that it seemed to defeat its own ends. Licensed electricians does not always ensure proper work. The State Fire Marshal was present and said that he was neither for nor against the bill."

Senator Battles: "Madam President, I would offer an amendment to this motion. I think that unless the instructions

from the Senate are explicit, nothing much can be obtained through the Legislative Council. I would amend the motion to include a statement that instructions to the Legislative Council be that they themselves draft the bill. If the Legislative Council decides that it is proper, they should write the bill."

Question being on motion to refer the bill to the Legislative Council with the instruction that if they find this licensing to be desirable, they will write the bill.

Senator English: "Madam President, I regret that I must object to the motion and its amendment. I do so because I do not think this a suitable matter for the Legislative Council. Involved in this proposal is a mass of complications which I will not take time now to go into. There seems to be a much simpler solution and that has already been made; namely, to have the proponents, namely, various electricians and electrical contracting firms in New Hampshire, sit down with those who are concerned with electrical wiring of oil burners and various appliances and electronic devices, and come up with a proposal for the next session which can be generally supported."

Senator Eaton: "Madam Chairman, I reluctantly oppose both the amendment and the motion. Last session, the Ways & Means Committee had almost the identical bill. I don't think the Legislative Council has any business drawing up legislation on such a complicated matter. The point brought out was that none of the bill have done what is to be done. I object to the Legislative Council drawing up bills. You will not eliminate the do-it-yourself people which is a threat."

Senator Lamontagne spoke in opposition to the motion, stating that he agrees with what Senator Eaton has said.

(Discussion ensued)

Senator Caron moved the previous question. Seconded by Senator Daniel.

On a *viva voce* vote, the affirmative prevailed.

Question being: shall the main question now be put?

On a *viva voce* vote, the affirmative prevailed.

Question being on motion of Senator Bergeron, amended by Senator Battles.



On a *viva voce* vote, the negative prevailed and the motion was defeated.

Question being on recommendation of Committee, inexpedient to legislate.

On a *viva voce* vote, the affirmative prevailed, and the recommendation was adopted.

Senator Holmes, for the Committee on Transportation:

SB 98, relative to mufflers on motor vehicles. Ought to pass with amendment.

Amend said bill by striking out in paragraph 1 in lines two and three of sub section I the words "and annoying smoke" and striking out sub section II.

Further amend said bill by renumbering sub section III to read II and sub section IV to read III, so that said first paragraph shall read as follows:

I Mufflers on Motor Vehicles. Amend RSA 263:46 by striking out said section and inserting in place thereof the following new section: 263:46 Muffler, Prevention of Noise.

I Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cut-out, by-pass or similar device upon a motor vehicle on a highway.

II No person shall modify the exhaust system of a motor vehicle in any manner which will amplify or increase the noise emitted above that emitted by the original muffler installed in the vehicle and such original muffler shall comply with all the requirements of this section.

III A muffler is a device consisting of a series of chambers, or baffleplates, or other mechanical design for the purpose of receiving exhaust gases and effectively reducing noise. Exhaust noise exceeding one hundred decibels at ten to fifteen feet from the exhaust outlet is declared to be excessive.

Senator Lamontagne: "Madam Chairman, I wanted to see the Chairman of the Committee before this bill came in. I would ask the Chairman if he would be willing to recommit the bill."



Senator Caron requested a brief Recess, which was granted by the Chair.

(Recess)

The Senate reassembled.

Senator Buckley: "Madam Chairman, evidently we have had some misunderstanding on the existing law. I would move that this bill be referred back to the Transportation Committee for further study."

On a *viva voce* vote, the affirmative prevailed, and the bill was recommitted.

Senator Buckley, for the Committee on Public Works:

SB 77, relative to bonds for public works. Ought to pass with amendment.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1 Notice of Claim. Amend RSA 447:17 by striking out said section and inserting in place thereof the following: 447:17 Notice. To obtain the benefit of the bond, any person, firm or corporation having any claim for labor performed, materials, machinery, tools, or equipment furnished as aforesaid shall, within ninety days after the completion and acceptance of the project by the contracting party, file in the office of the secretary of state, if the state is a contracting party, or with the department of public works and highways, if the state is a party to said contract by or through said department, or in the office of the clerk of the superior court for the county within which the contract shall be principally performed, if any political subdivision of the state is a contracting party, a statement of the claim; a copy of which shall forthwith be sent by mail by the office where it is filed to the principal and surety.

Senator Dunnington: "Madam President, this bill deals with the question of bond coverage on public works projects where the contractors go into bankruptcy. This bill as amended seems to favor smaller contractors and suppliers who sometimes have trouble collecting after a large contractor has gone broke. As amended, the bill specifies 90 days after the project as a final filing day after completion. We heard half a dozen witnesses in favor of this bill, including representatives from the

Public Works Department and Insurance Department. Also Senator Dunlap and several small contractors. Attorney Struckhoff, representing some insurance companies appeared in favor. One opposed the bill, Attorney Soden, who represented a number who opposed the bill."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Buckley, for the Committee on Public Works:

HB 137, extending the time during which an act relative to a certain bridge over the Merrimack river shall be effective. Ought to pass.

Senator Dunnington: "Madam President, this bill involves a disagreement over the rebuilding of a bridge over the Merrimack river. It is in two different towns, Canterbury and Boscawen, and Canterbury uses it most. They have applied for state aid but the town of Boscawen has done nothing. So until they get together, this bill would allow the town of Boscawen an extension of time limit until 1963."

The bill was ordered to a third reading.

Senator Buckley, for the Committee on Public Works:

HB 148, relative to classification of certain highways in the towns of Bedford and New Boston. Ought to pass.

Senator Dunnington: "Madam President, this bill involves our missile tracking station in New Boston. Many appeared in favor and there was no opposition. This bill would reclassify two different roads in the area to Class II highway, about 1.6 miles. These roads would then be built as Class II highway for the State, but the money would be refunded by the federal government. 300 to 500 people will be working at this tracking station in the near future and there will be heavy traffic. The road will cost us nothing as the money will come back from the federal government."

The bill was ordered to a third reading.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills:

HB 4, relative to radiation protection.

HB 53, relative to meetings of the inter-departmental committee on welfare and institutions.

HB 147, relative to the eligibility for release on parole at the expiration of the minimum term.

HB 151, to permit the state library commission to enter into agreements on compacts.

HB 228, relative to immunities of members of the national guard.

HB 263, relative to the fire department of the city of Franklin and to salary of the city treasurer.

SB 18, providing for the election of county commissioners for the county districts of Coos County.

SB 23, relating to the American Flag.

SB 55, relative to trespassing on private roadways with a motor vehicle.

HB 1, relative to state advertising.

HB 207, establishing the Lake Sunapee Regional Planning Authority.

HB 231, relative to the salary of the justice of Northumberland municipal court.

HJR 4, relative to funds for the Eastern New Hampshire Turnpike.

Marion L. Phillips

For the Committee

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 64, relative to procedure for establishment of commercial code records in the office of the secretary of state.

HB 414, providing for an additional appropriation for expenses of the Legislature.

### **Read and Referred**

To the Committee on Finance:

HB 64, relative to procedure for establishing of commercial code records in the office of the secretary of state.

The following entitled bill was read a first and second time:

HB 414, providing for an additional appropriation for expenses of the legislature.

On motion of Senator Cheney, the rules of the Senate were so far suspended as to dispense with referral to Committee of the above entitled bill.

On motion of Senator Cheney the rules of the Senate were further suspended as to place the above bill on its third reading and final passage at the present time.

### **Third Reading and Final Passage of Bill**

HB 414, providing for an additional appropriation for expenses of the Legislature.

### **Concurrent Resolution**

Senator Caron offered the following Concurrent Resolution:

*Whereas*, Senate Bill 473 "To provide for recognition of Federal employee unions and to provide procedures for the adjustment of grievances" has been introduced in the United States Senate and is pending before said body for action,

Now Therefore Be It

*Resolved* by the General Court of the State of New Hampshire, that it favors the enactment of this legislation and urges its adoption, and be it further

*Resolved*, that a copy of these resolutions be transmitted to the congressional delegation of this state.

### **Relative to Above Resolution**

The ALF-CIO postal unions in Washington have received powerful support in the unceasing battle by the unions to secure recognition.

## S. 473 — H.R. 12

## LABOR-MANAGEMENT PROVISIONS

The legislation is enacted as proposed would provide effective recognition of postal and federal unions as a matter of "right, not sufferance." Some of the more important provisions of the legislation include:

Government to recognize and promote legitimate rights of public employees and public welfare disputes. Guarantees right of union representatives to present grievances to top management or local units without restraint. Provides, administrative officer shall solicit the views of officers or representatives prior to promulgation of new policies.

Defines grievances, union representatives, union member and other essential factors in union recognition rights. Provides for collective bargaining agreements and settlement of bargaining disputes. Machinery for the settlement of grievances is spelled out in the proposed labor-management bills with an appeal Board of Arbitration. The President is authorized to appoint a Labor-Management Relations Panel to assist the unions and management representatives in resolving matters at issue.

Senator English: "Madam President, I regret that I cannot go along with this Resolution because I do not think that it is desirable for the Senate to intervene in pending legislation involving even highly desirable legislation in Washington when the full facts and figures involved cannot be available to us."

On motion of Senator Caron, further consideration of the above Concurrent Resolution was made a Special Order of Business for next Tuesday morning at 11 o'clock.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time.

**Afternoon Session****Third Reading and Final Passage of Bills**

SB 77, relative to bonds for public works.

SB 108, relating to permanent police officers.

SB 109, to provide full pay for employees of the state police incapacitated in line of duty subject to certain conditions.

HB 137, extending the time during which an act relative to a certain bridge over the Merrimack river shall be effective.

HB 148, relative to classification of certain highways in the towns of Bedford and New Boston.

HB 291, in relation to discharging firearms.

On motion of Senator Paquette, the Senate adjourned at 12:35 o'clock.

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THURSDAY, APRIL 6, 1961

The Senate met according to adjournment.

#### **Guests**

As the guest of Senator Holmes, Miss Barbara Brown of Amherst, student at Cushing Academy.

As the guests of Senators McMeekin and Monahan, Miss Ethel Manseau of Littleton and Mr. John Christy of Canaan, in the balcony.

As the guests of Senator Monahan, Dr. Royal M. Frye, Dean, and Mr. Austin H. Welch, President, both of the College of Advanced Science in Canaan.

As the guests of Senator Buckley, Mr. Clifford H. Sloan of Nashua and Mr. Albion R. Lane of Peterborough, District Governors of Lions International, and Mr. Robert Patnaude of Derry and Mr. Dunham of Hudson.

The President declared a brief Recess, during which gifts of silver trays were presented to the members of the Senate by Messrs. Sloan and Lane, District Governors of Lions International.

#### **House Message**

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 164, relative to acquisition of land for propagation of game.

HB 208, relating to revocation of hunting and fishing licenses.

HB 51, providing for open season for taking fisher.

HB 142, prohibiting hunting and the use of firearms in the town of New Castle.

HB 117, relative to taxation of annuity premiums.

HB 138, relating to certificates and copies furnished by filing officer under Uniform Commercial Code and fees therefor.

HB 232, relating to the liability of landowners.

HB 332, relative to liability for violation of law of the road.

HB 331, relative to administration of small estates.

The Message further stated that the House concurs with the Honorable Senate in the passage of the following entitled bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Honorable Senate:

SB 26, in relation to automobile liability insurance.

Amend said bill by striking out section 1 and inserting in place thereof the following:

1 New Hampshire Assigned Risk Plan. Amend RSA 412 by inserting after section 19 the following new section: 412:19-a Adoption of Assigned Risk Plan. Every insurer authorized to transact in this state the business of motor vehicle bodily injury and property damage liability insurance shall, as a condition precedent to the issuance or continuation of such authorization, subscribe to and in every respect be bound by the rules of the New Hampshire assigned risk plan now in effect in this state and on file in the office of the insurance commissioner. Amendments to the assigned risk plan may be proposed from time to time by the insurance commissioner or by the subscriber to the plan. Amendments proposed by the insurance commissioner shall become effective and binding upon all subscriber companies unless disapproved in writing filed with the insurance commissioner not more than thirty days after their proposal by



at least ten per cent of all the subscribers writing not less than twenty per cent of the direct premiums for motor vehicle liability insurance in the state. Amendments proposed by the subscribers shall be submitted to the insurance commissioner through the manager of the plan and shall not become effective until approved by the insurance commissioner.

Senator Dunlap moved that the Senate concur with the action taken by the House and spoke in explanation: "Mr. President, the Senate will recall that this bill provided that changes in the assigned risk plan could be made by a motion of the Commissioner, provided it was not objected to by more than 10% of those subscribing writing more than 20% of the total business. As passed by the Senate, it was further provided that the companies on their motion can recommend a change in the rule or amendment; on the same basis of not more than 10% of the companies writing more than 20% of the total business, changes to become effective in 30 days. The House saw fit to remove this part and only to vest the authority in the Commissioner so the House amendment provides that the subscriber or any member may submit changes in rules or amendment to the plan through the manager of the plan and if it is approved by the Insurance Commissioner, then it will become a valid change in the rule. I think this gives the Insurance Commissioner a great deal more influence and control over the assigned risk plan than he has now or when this legislation was introduced. It seems, and comes as a little surprise to me that the industry was agreeable with the control and after checking, I found that the records seem to indicate that those insurance companies who originally opposed the bill because it did not give the subscriber sufficient influence, they have now removed that objection. I think the Senate should concur in the action taken by the House."

On a *viva voce* vote, the Senate voted to concur in the adoption of the amendment.

### Read and Referred

To the Committee on Fisheries & Game:

HB 164, relative to acquisition of land for propagation of game.

HB 208, relating to revocation of hunting and fishing licenses.



HB 51, providing for open season for taking fisher.

HB 142, prohibiting hunting and the use of firearms in the town of New Castle.

To the Committee on Banks & Insurance:

HB 117, relative to taxation of annuity premiums.

To the Committee on Judiciary:

HB 138, relating to certificates and copies furnished by filing officer under Uniform Commercial Code and fees therefor.

HB 232, relating to the liability of landowners.

HB 332, relative to liability for violation of law of the road.

HB 331, relative to administration of small estates.

### **Introduction, First & Second Reading of Senate Bills**

SB 115, changing classification of Thompson Avenue. (Bunten, by request) Committee on Rules. To the Committee on Public Works.

On motion of Senator Bunten, the rules of the Senate were so far suspended as to dispense with the printing of the above entitled bill.

SB 116, in favor of Milo H. Cheney. (McMeekin — Rules Committee) To Claims.

On motion of Senator McMeekin, the rules of the Senate were so far suspended as to dispense with the printing of the above entitled bill.

SB 117, to repeal chapter 264 of the Laws of 1921. (Bunten, by request) To Public Works.

### **Committee Reports**

Senator Drake, for the Committee on Fisheries & Game:

HB 37, relative to the taking of wild deer in Durham. Ought to pass.

Senator Drake: "Mr. President, at the public hearing there was no opposition. Fish & Game did not oppose it. The Oyster Fish & Game Club did not oppose it. At the 1959 town meet-

ing an ordinance was passed prohibiting the use of shot guns. They are asking for the same provision as other wooded areas. During the hunting season, there are many people hunting over a 25 mile area. The Committee voted the bill ought to pass and that the town be permitted to take care of this."

The bill was ordered to a third reading.

Senator Drake, for the Committee on Public Health, Welfare & State Institutions:

HB 254, relating to sale of horses for slaughter. Ought to pass.

Senator Sawyer: "Mr. President, this bill was brought about because of the fact that two or three owners who were very fond of their horses that had to be put away, sold them for slaughter. Later on, they found that the horses had not been slaughtered as had been understood, but had been sold and were working at some other place. In other words, they were not slaughtered, but sold again. These people bought them back and then had them put away. This involved some money and also the wishes of the owners were not adhered to. This bill provides that if horses are sold to be slaughtered, they must be slaughtered."

The bill was ordered to a third reading.

Senator Holmes, for the Committee on Transportation:

HB 267, relative to aircraft service operator certificate. Ought to pass with amendment.

Amend said bill by inserting after paragraph 2 thereof the following new paragraph: 3 Amend RSA 422:34 by inserting after VIII the following new sub-section, IX For any person to engage in the operation of aircraft for hire as a common carrier of persons or in connection with flight training or for hire engage in the repair and maintenance of aircraft without an aircraft service operator's certificate.

Further amend said bill by renumbering paragraph 3 to read 4.

Senator Buckley: "Mr. President, when the bill was written originally, they omitted the prohibition clause and that is the only reason this was brought in."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Holmes, for the Committee on Transportation:

SB 98, relative to mufflers on motor vehicles. Ought to pass with amendment.

Amend said bill by striking out in paragraph 1 in lines two and three of sub-section I the words "any annoying smoke", so that said sub-section shall read as follows:

I Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cut-out, by-pass or similar device upon a motor vehicle on a highway.

Senator Buckley: "Mr. President, this bill is simply to legalize the use of the noise makers that the motor vehicle inspectors, etc. use now."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Cheney, for the Joint Committee on Finance and Education:

SJR 3, to provide for the appointment of an interim commission on education to study the organization of school districts and the higher educational facilities in the state. Ought to pass with amendment.

Amend the joint resolution in the fifth paragraph by striking out the period (.) at the end of the final sentence and inserting in place thereof a comma (,) and by adding the following words: , and including a study of a more extensive use of existing physical facilities., so that said paragraph as amended shall read as follows:

That a thorough and impartial investigation shall be made of: (A) the organization of and grouping into supervisory unions of public school districts in the state, considering particularly: (1) the possibility of combining school districts and the benefits and problems attendant thereon; (2) how best to render adequate and necessary administrative and supervisory services to the public schools; (3) how best to finance public school education with particular attention to the differences in the

financial ability of the varying districts; (4) the statutes relating to school districts and supervisory unions in the state: (B) the organization, administration, aims and interrelation of all the institutions of higher learning, above the high school level, considering particularly: (1) teacher education; (2) revamping of curricula to improve teaching standards and coordinate courses and eliminate unnecessary duplication; (3) the development of junior colleges or full-scale liberal arts colleges or other institutions; (4) statutes in the state relating to all institutions of higher learning; (C) any other matters which pertain to the organization, administration, supervision and financing of the public school system of the state and of the institutions of higher learning in the state, and including a study of a more extensive use of existing physical facilities.

Further amend said joint resolution by striking out the sixth paragraph and inserting in place thereof the following:

An interim commission on education to make the foregoing investigation and to make reports and recommendations to the General Court, is hereby established, consisting of 15 members, four of whom shall be members of the House of Representatives to be appointed by the Speaker of the House, three of whom shall be members of the Senate to be appointed by the President of the Senate, and eight of whom shall be appointed by the Governor; the commission shall organize by the election of a chairman from the members so appointed by the Speaker of the House and the President of the Senate, and said commission may appoint such subcommittees as it deems necessary. The members of the commission and subcommittees shall serve without pay, but may be reimbursed for their necessary travel and expenses incurred when engaged in the official business of the commission and/or subcommittee.

On motion of Senator Cheney, the reading of the amendment was dispensed with.

Senator Cheney: "Mr. President, this resolution provides for the setting up of an interim study group to make a complete study of need in the education field at all levels of education. The interim commission is directed to make a report with recommendations, not only recommendations relative to educational needs but also methods of financing.

"According to testimony given at the hearing it has been 41 years since any comprehensive study of educational needs

has been undertaken. This will be the first step in the solution to a problem that is becoming an unbearable burden to the taxpayers of the state.

"Since you have the bill before you and thus are familiar with the broad scope of the proposed study, I will explain the amendments adopted by the Joint Committee, only.

"The first amendment proposes that the study include 'a more extensive use of existing physical facilities'. It was the consensus of the Committee that the tremendous capital investment in physical plant throughout the state warrants consideration of the possibilities of a greater return on investment.

"The second amendment increases the interim commission from nine (9) members to fifteen (15). It was agreed that the magnitude of the problem would require a little larger commission than was originally proposed. It also permits the commission to appoint such sub-committees as it may require to provide certain specific technical information.

"The resolution appropriates the sum of \$30,000. from General Funds to cover the cost of the study and the report. There is no per diem for members, they will be allowed reimbursement for necessary travel and expenses only.

"The Joint Committee believes the results of this study can accomplish much in solving the problems confronting us biennially and recommends the adoption of the amendments and the passage of the Resolution."

On a *viva voce* vote, the amendment was adopted, and the joint resolution as amended was ordered to a third reading.

Senator English, for the Committee on Labor:

HB 171, relative to unemployment compensation. Ought to pass with amendment.

Amend section 6 of the bill by striking out said section and inserting in place thereof the following:

6 Annual Earnings. Amend paragraph (2) of RSA 282:1-0 by striking out said paragraph and inserting in place thereof the following: (2) "Annual Earnings." The commissioner of the department of employment security shall compute annual earnings for each individual by crediting him to the nearest dollar with the wages, subject to contributions imposed by this

chapter, paid him for employment during each base period in accordance with such rules and regulations as the commissioner of the department of employment security may prescribe.

Amend paragraph (2) of subsection C of RSA 282:5 as amended by section 12 of the bill by striking out the word "director" in the second line and inserting in place thereof the word, commissioner, so that said paragraph as amended shall read as follows:

(2) Tenure. The appointed members shall serve at the pleasure of the commissioner and shall be paid twenty dollars for each day or any part thereof during which they perform services at the request of the commissioner, and shall be reimbursed for all expenses determined by the commissioner to be necessary to the performance of their duties.

Amend section 19 by adding after the word "behalf" in the fifth line the word, but, so that said section as amended shall read as follows:

19 Separate Accounts. Amend paragraph (1) of RSA 282:6-C (supp) as amended by 1955, 141:12 by striking out the whole of the same and inserting in place thereof the following: (1) The commissioner shall maintain a separate account for each employer and shall credit his account with all contributions timely paid by him or on his behalf but nothing in this chapter shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund, either on his own behalf or on behalf of such individuals. Benefits paid to an eligible individual shall be charged against the account of the claimant's most recent employer.

Amend paragraph (1) of subsection G, RSA 282:9 as amended by section 34 of the bill by striking out the word "director" in the eleventh line and inserting in place thereof the word, commissioner, so that said paragraph as amended shall read as follows:

(1) It shall be the duty of the commissioner of the department of employment security to administer this chapter and he shall have power and authority to adopt, amend, or rescind such rules and regulations, to employ such persons, make such expenditures, require such reports, make such investigations,

and take such other action as he deems necessary or suitable to that end. Such rules and regulations shall be effective upon publication in the manner, not inconsistent with the provisions of this chapter, which the commissioner shall prescribe. The commissioner shall determine his own organization and methods of procedure in accordance with the provisions of this chapter. Not later than the thirtieth day of June of each year, the commissioner shall submit to the governor a report covering the administration and operation of this chapter during the preceding calendar year and shall make such recommendations for amendments to this chapter as he deems proper. Such reports shall include a balance sheet of the moneys in the fund in which there shall be provided, if possible, a reserve against the liability in future years to pay benefits in excess of the then current contributions, which reserve shall be set up by the commissioner in accordance with accepted actuarial principles on the basis of statistics of employment, business activity, and other relevant factors for the longest possible period. Whenever the commissioner believes that a change in contribution or benefit rates will become necessary to protect the solvency of the fund, he shall promptly so inform the governor and the legislature, and make recommendations with respect thereto.

Amend subsection H of RSA 282:14 (supp) as inserted by 1955, 141:20 and as amended by section 39 of the bill by striking out the word "director" in the tenth line and inserting in place thereof the word, commissioner, so that said subsection as amended shall read as follows: H. Recovery for Another State. On request of an agency of another state which administers an employment security law and which has found, in accordance with the provisions of such law, that an individual is liable to repay benefits received under such law, the commissioner may collect from such individual the amount of such benefits, to be refunded to such agency, and such amounts may be collected by civil action in the name of the commissioner acting as agent for such agency.

On motion of Senator Phillips, the reading of the amendment was dispensed with.

Senator Phillips: "Mr. President, it is purely a corrective bill, and brings the provisions up to date. One person appeared in opposition. We asked him to put it in writing and his disfavor seemed to be rather in the negative. It is a housekeeping bill."



The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Dunlap, for the Committee on Banks & Insurance:

HB 115, relative to non-forfeiture benefits and reserve valuations of life insurance policies and contracts. Ought to pass.

Senator Dunlap: "Mr. President, this bill is sponsored by the National Association of Insurance Commissioners. As far as New Hampshire is concerned, RSA 409 would be amended to clarify some very glaring defects that tend to operate at a disadvantage to local domiciled companies. It is a very technical bill. The United Life Company here presented very strong arguments in favor of the legislation. . . . I would move that we pass this bill as being good legislation for the State of New Hampshire."

The bill was ordered to a third reading.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills:

HB 34, providing for the publication of the commercial code as a part of the Revised Statutes Annotated.

HB 414, providing for an additional appropriation for expenses of the legislature.

SB 35, to broaden the curriculum at teachers colleges.

SB 61, relative to town appropriations under the municipal budget law.

SB 62, relative to information reports from so-called small business corporations.

Robert S. Monahan  
For the Committee

### **Special Order of Business for 11:01**

Senator Dunlap called for the Special Order of Business. Being further consideration of the following entitled bill with proposed amendment by the Committee:



SB 48, amending the financial responsibility act.

Amend said bill by striking out everything after the enacting clause and substituting in place thereof the following:

1 Consent of Creditor. Amend RSA 268 by inserting after section 12 the following new section: 268:12-a Exception when Consent or Agreement is Granted by Creditor. If a case is settled by agreement and the creditor consents in writing, on such form as the department may prescribe, that the agreement debtor be allowed license and registration, or nonresident's operating privileges, the same may be allowed by the department, in its discretion, for six months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such agreement. In the event the agreement debtor fails to pay any installment as specified, then upon written notice of such default the department shall forthwith suspend the license, registration or nonresident's operating privileges until such agreement is satisfied as provided in this act.

2 Duty to Act. Amend RSA 268 by inserting after section 20 the following new section: Chapter 268:20-a Responsibility for Cancellation. A person required to have financial responsibility certificates on file with the motor vehicle department shall assume the responsibility of having new certificates filed. If a person's financial responsibility certificate is cancelled, in accordance with the provisions of this chapter, and a renewal certificate or a new certificate has not been filed with the department on or before the effective date of the suspension, or he fails to surrender to the commissioner the suspended license, registration certificate and plates on or before the effective date of suspension, the commissioner shall not reinstate or restore the suspended items until they are received at the department, and until such person pays the \$2.00 service fee, and a new financial responsibility certificate is received at the department indicating future proof of coverage, as required by the provisions of this chapter.

3 Amend RSA 268:9 (I) by deleting the word "seven" in line two and adding in place thereof the word, five, so that said section shall read as follows: 268:9 (I) Waiving Requirements. The commissioner may waive the requirements of filing proof of financial responsibility and certificates at any time after five years duration from the date of accident involvement

or conviction requiring such proof, provided the commissioner has not received further record of conviction, accident involvement, forfeiture of bail, unsatisfied judgment or other evidence which would require the continuance of such furnishing of proof of financial responsibility and certificates.

4 Takes Effect. This act shall take effect sixty days after its passage.

Senator Dunlap: "Mr. President, this bill was introduced by Senator Bergeron at the request of the Motor Vehicle Department. The Committee advocates three amendments to the existing RSA section 268-9; 268-12 and 268-20. Section 268-9 would amend the existing financial responsibility law so-called to provide that the filing of certificates after cause would be mandatory for 5 years instead of 7 years as at present. In fairness to the Department, it should be noted that the Department's original bill requested a filing of only 3 years. The Committee having heard evidence in favor of the present law of 7 years, decided that 5 years would be fair. I think the Senate should know that the first financial act was passed in 1937 and was somewhat of a model because it put teeth into our law and gave the Motor Vehicle Commissioner a good firm hand in the case of people who conducted themselves in a careless manner and then could not furnish financial responsibility. If you were found wrong, you had to show that you had insurance forever. In 1955 this requirement was reduced to 7 years. We can further reduce that by making it only one year, but if we do that we are weakening the law. The second amendment has to do with the consent of Creditor. The third, section 268-20, has to do with the penalty that someone must pay if he fails to have a certificate filed according to statute. From now on, if this happens, the negligent party is required to pay a \$2 service charge before getting his certificate back again."

The amendment was adopted, and the bill as amended was ordered to a third reading.

### House Message

Mr. President:

The House of Representatives concurs with the Honorable Senate in passage of the following entitled bill, with amendments, in the passage of which amendments the House of Representatives asks concurrence of the Honorable Senate:

SB 94, relating to the Charter of Mt. St. Mary's Convent of the Sisters of Mercy of Manchester, and relating to the power of the Nashua Hospital Association.

Amend the title of the bill by striking out the same and inserting in place thereof the following:

An Act relating to the Charter of Mount St. Mary's Convent of the Sisters of Mercy of Manchester and relating to the power of the Nashua Hospital Association.

Amend said bill by inserting after section 1 the following new sections:

2 Nashua Hospital Association. Nashua Hospital Association, a voluntary corporation organized in 1892, is authorized to hold property without limitation as to the amount.

3 Repeal. Chapter 302 of the Laws of 1925, limiting the amount of property which Nashua Hospital Association may hold, is hereby repealed.

Further amend said bill by renumbering section 2 to read section 4.

Senator Monahan: "Mr. President, I move that the Senate concur in the house amendments. The amendment simply does the same for the Hospital as the bill did for the Sisters of Mercy — it removes the limitation for the Nashua Hospital Association."

On a *viva voce* vote, the affirmative prevailed, and the amendments were adopted.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time, and when the Senate adjourns today, it be to meet next Tuesday morning at 11 o'clock.

### Afternoon Session

#### Third Reading and Final Passage of Bills and Joint Resolution

SB 48, amending the financial responsibility act.

SB 98, relative to mufflers on motor vehicles.

SJR 3, to provide for the appointment of an interim commission on education to study the organization of school districts and the higher educational facilities in the state.

HB 37, relative to the taking of wild deer in Durham.

HB 171, relative to unemployment compensation.

HB 115, relative to non-forfeiture benefits and reserve valuations of life insurance policies and contracts.

HB 254, relating to sale of horses for slaughter.

HB 267, relative to aircraft service operator certificate.

### Resolution

Senator Battles offered the following Resolution which was unanimously adopted.

*Whereas*, Our President, the Honorable Samuel Green of the Sixteenth District, Manchester, will observe his natal day on Sunday, April ninth, and

*Whereas*, the President's activities both in and out of the Senate belie his years, and

*Whereas*, We all wish him continued health, happiness, and success in all his endeavors for the ensuing year, now therefore be it

*Resolved*, That each and every one of his fellow members of the Honorable Senate do extend personal congratulations with wishes for many happy returns of the day, and be it further

*Resolved*, That the Clerk of the Senate transmit a copy of these Resolutions to our President, affectionately known as "Sam."

Senator Eaton presiding.

Senator Green expressed his sincere thanks and appreciation of the above Resolution.

Senator Battles: "I will yield to Senator Caron, the poet laureat of the Senate."

Senator Caron offered the following poem:

**HAPPY BIRTHDAY, MR. PRESIDENT**

Sam, Sam, the smiling man,  
Certainly is doing all he can  
To press for adjournment  
At an early date  
And for this  
We think he's great.

**HAPPY BIRTHDAY, Smiling Sam,**  
You is the bestest what am!

The Chair recognized Senator English: "Mr. President, Representative J. Frank Allen of Rindge asked me to distribute in the Senate the schedule of services of the Cathedral of the Pines. I planned to distribute these with appropriate remarks during the session, but as the Lions Clubs' presentation of the trays bearing the picture of the Cathedral of the Pines was distributed at the beginning of the session, I asked that these folders be distributed at this time.

On motion of Senator Caron, the Senate adjourned at 12:20 o'clock.

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TUESDAY, APRIL 11, 1961

The Senate met according to adjournment.

**Leave of Absence**

Senator Humphreys was granted an indefinite leave of absence on account of illness.

**Guests**

As the guests of Senator Dunlap, Mrs. Lorraine Cadoo, Principal of Sutton Central School, and the following members of the 8th Grade: Bonnie Chadwick, Sally Wells, Patricia Chadwick, William Grover, Reginald Wheeler, Donnie Bounds and Peggy Lewis.

**Communications**

Senator English stated that he had received a note of appreciation from Miss Audrey Crawford of Reed's Ferry who

represented District No. 11 at the recent Youth Government program.

Senator Holmes stated that she had received a similar note from Miss Sandra St. Germain of Merrimack who had represented District No. 12 in connection with the Youth Government program.

Senator Eaton announced that he had also received a similar note from Miss Patricia Oliver of Jaffrey who had represented District No. 10.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

HB 186, relative to licensing and bond for poultry dealers.

The Message further stated that the House has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following entitled house bill, in the adoption of which amendments the House asks the concurrence of the Honorable Senate:

SB 64, relative to the compensation of Cheshire county commissioners.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1 Cheshire County. Amend RSA 28:28 (supp) as amended by 1955, 247:4; 269:1, 1957, 182:1; 246:1 by striking out the words "In Cheshire, one thousand six hundred dollars" and inserting in place thereof the words, In Cheshire, two thousand dollars, so that said section as amended shall read as follows:

On motion of Senator Monahan, the Senate voted to concur with the above amendment.

The Message further stated that the House has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 58, relative to permission to towns to appropriate money for payment of association dues.

SB 60, increasing the salary of the clerk of the Portsmouth municipal court.

The Message further stated that the House has passed the following Concurrent Resolution, in the passage of which it asks the concurrence of the Honorable Senate:

*Resolved*, that the University of New Hampshire Choir be invited to sing before the Joint Convention on Tuesday, April 18, 1961, at 11:01 A.M.

On motion of Senator Holmes, the Senate voted to concur in the adoption of the above Concurrent Resolution.

The Message further stated that the House refuses to concur with the Honorable Senate in its amendments to the following entitled bill sent down from the Honorable Senate, and requests a Committee of Conference:

HB 291, in relation to discharging firearms.

The Speaker has appointed as members on the part of the House, Messrs. Totman of Alstead, Gove of Concord and Normandin of Laconia.

On motion of Senator Battles, the Senate voted to accede to the request of the House for a Committee of Conference on the above entitled bill.

Pursuant to the above, the President appointed as members on the part of the Senate, Senators English and Lamontagne.

### **Read and Referred**

To the Committee on Agriculture:

HB 186, relative to licensing and bond for poultry dealers.

### **Introduction, First & Second Reading of Senate Bill**

SB 118, to establish a new apportionment for the assessment of public taxes. (Dunlap) To the Committee on Ways & Means.

**Communication**

New Hampshire State Hospital

Concord, N. H.

April 6, 1961

Hon. Samuel Green  
President, New Hampshire State Senate  
State House  
Concord, New Hampshire

Dear Senator Green:

Will you be so kind as to convey the special invitation of the New Hampshire State Hospital for the members of the Honorable Senate to attend the Open House functions at the State Hospital on May 3d and May 4th, 1961 in observance of National Mental Health Week?

We are sponsoring this Open House from 1 P.M. until 9 P.M. on Wednesday, May 3d, and from 1 P.M. until 4 P.M. on Thursday, May 4th. This year the main area of activity will be in the Thayer Building, where exhibits and displays will depict the role of professional people working in the field of mental health. There will also be continuous tours throughout other areas of the hospital.

It is hoped that a large number of New Hampshire citizens, and particularly members of the Honorable Senate, may be able to visit the State Hospital on one or the other of the two days of the Open House.

Sincerely yours,  
John L. Smalldon /s/  
John L. Smalldon, M.D.  
Superintendent

JLS/F.

**Special Order of Business at 11:01**

Senator Caron called for the Special Order of Business.

Being consideration of Concurrent Resolution offered by Senator Caron relative to recognition of Federal employee unions, etc.

On motion of Senator Caron, the above Concurrent Resolution was referred to the Committee on Executive Dept., Municipal & County Government.



### Concurrent Resolution

Senators Cleveland and Holmes offered the following Concurrent Resolution:

*Whereas*, The National Book Committee and the American Library Association sponsoring National Library Week for the second consecutive year, this year during the week of April sixteenth through the twenty-second, and

*Whereas*, The success of National Library Week in 1959, in drawing attention to the great part books and libraries play in molding and sustaining the American character is well known, and

*Whereas*, An insufficient number of Americans are aware of the opportunities offered to them by books and libraries and are also unaware of their obligation to maintain and improve statewide library service, and

*Whereas*, All the states of the union are concentrating upon the observance of National Library Week this year, now therefore be it

*Resolved*, By the Senate and House of Representatives in General Court convened, That the people of the State of New Hampshire be asked to give their support to the activities of National Library Week by way of increasing public awareness of the essential part played by books and reading in the social, intellectual, spiritual and economic life of this nation.

On a *viva voce* vote, the above Concurrent Resolution was adopted.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time.

### Afternoon Session

On motion of Senator Paquette, the Senate adjourned at 11:50 A.M.

WEDNESDAY, APRIL 12, 1961

The Senate met according to adjournment.

### Guest

As the guest of the entire Senate, former President of the Senate Eralsey C. Ferguson.

### Announcement

The President: "It has been formed up that on the 26th of April I will ask the Senate to come in at 10 o'clock, and then immediately after, go to the University of New Hampshire to look over the campus and have luncheon with the President. We will leave there about 2:30 and go to Hampton Beach for a lobster feed. I would ask that all Committees take cognizance of this. We will just meet briefly and then adjourn. I have asked Senator English to be the liaison man and be in charge of making arrangements with the University."

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 63, providing one season for the taking of deer.

HB 234, prohibiting solicitations from candidates for election.

HB 323, defining agriculture, farming and farms.

HB 366, relative to motor vehicle sales finance.

The Message further stated that the House has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 68, relating to the annual report of the racing commission.

SB 78, relative to investments legal for trustees.

SB 79, relative to investments legal for guardians and conservators.

SB 80, relative to the homestead right of minor children.

The Message further stated that the House has voted to concur with the Honorable Senate in its amendments to the following entitled bills:

HB 171, relative to unemployment compensation.

HB 267, relative to aircraft service operator certificate.

The Message further stated that the House has voted to adopt the amendment offered by the Committee on Engrossed Bills, to the following entitled House Bill, in the adoption of which amendment the House asks the concurrence of the Honorable Senate:

HB 148, relative to classification of certain highways in the towns of Bedford and New Boston and relative to certain access highways.

Amend RSA 229:24 and 229:25 as inserted by section 3 of said bill by striking out the figure "1" where it occurs in said sections and inserting in place thereof the figure, 23.

On motion of Senator Monahan, the Senate voted to concur.

The Message further stated that the House concurs with the Honorable Senate in the passage of the following entitled bill, with amendment, in the passage of which amendment the House asks the concurrence of the Honorable Senate:

SB 55, relative to trespassing on private roadways with a motor vehicle.

Amend section 1 of the bill by adding at the end thereof the words, Provided, however, that whenever any such roadway or woods road intersects or merges with another such roadway or woods road, such point shall be deemed to be an entrance within the meaning of this chapter.

On motion of Senator Holmes, the Senate voted to concur in the adoption of the amendment.

### **Read and Referred**

To the Committee on Fisheries & Game:

HB 63, providing one season for the taking of deer.  
To the Committee on Judiciary:

HB 234, prohibiting solicitations from candidates for election.

To the Committee on Agriculture:

HB 323, defining agriculture, farming and farms.

To the Committee on Banks & Insurance:

HB 366, relative to motor vehicle sales finance.

### **Introduction, First & Second Reading of Senate Bill**

SB 119, relative to medical assistance for the aged. (Senators Gardner & Caron — Committee on Rules) To Joint Finance and Public Health, Welfare & State Institutions.

### **Committee Report**

Senator Phillips, for the Committee on Judiciary:

HB 327, relative to registration of tax appraisers. Ought to pass.

Senator Cleveland: "Mr. President, this is a relatively minor bill. Apparently, there has been a problem that there have been some tax appraisers operating in the State that are neither efficient nor financially responsible. Under the provisions of this bill, anybody acting as tax appraisers must submit proof of the proper qualifications."

Senator McMeekin inquired of Senator Cleveland: "Would this apply to selectmen of towns who do appraising in the towns?"

Senator Cleveland replied in the negative.

The bill was ordered to a third reading.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills:

HB 15, relative to transportation of cylinders of liquefied petroleum gas.

HB 37, relative to the method of taking wild deer in the town of Durham.

HB 94, relative to violations of hunting and boating laws by minors sixteen years of age or over.

HB 106, relative to frozen desserts.

HB 115, relative to non-forfeiture benefits and reserve valuations of life insurance policies and contracts.

HB 246, relative to absentee voting.

SB 26, in relation to automobile liability insurance.

SB 94, relating to the charter of Mount St. Mary's Convent of the Sisters of Mercy of Manchester, and relating to the power of the Nashua Hospital Association.

HB 254, relating to sale of horses for slaughter.

SB 47, relative to taxation of road building or construction equipment to be used for a temporary purpose.

SB 64, relative to the compensation of Cheshire County commissioners.

Marion L. Phillips  
For the Committee

### Resolution

Senator Buckley offered the following Resolution

*Whereas*, We have learned with sorrow of the passing of Mrs. Christine Butman, widow of the Honorable August E. Butman, former Senator from District twenty-two for the sessions of 1946 through 1952, therefore be it

*Resolved*, That we, the members of the Honorable Senate express our sympathy to the family in its bereavement, and be it further

*Resolved*, That the Clerk of the Senate transmit a copy of these Resolutions to the family of Senator Butman.

On a rising vote, the above Resolution was unanimously adopted.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time.

### Guests

As the guests of Senator Phillips, Helen Stammers, Teacher; Emma Spalding, Principal; Don MacLeay, bus driver; Vera MacLeay, Chairman, School Board; Joseph Richer, Principal; and the following pupils of the 7th and 8th grades of the school at Plainfield: Albert W. Lewellyn, Eugene Dube, Eddie Aldrich, Orin Howe, Dan Rogers, Art LaFlam, Bobby Grace, Dorothy Pringle, Ruth Hendrick, Bonnie Trevithick, Carol Berry, Linda Trevithick, Robert Jenney, Kenneth Stevens, Bruce Thomas Adams, Raymond Reed, Jimmy Stone, Arnold Atwood, Sandra Jarvis, Debby Douglass, Laura MacLeary, Lyle Snider, William Jenney, Bob Pringle, Steve Ward, Sally Benson, David White, Pat Townsend, Kathy Jones, Linda Thibault, Edward Riley, Bobby Williams, Elaine LePan, Edward Williams, Carol Woodley, Arlene Dessert, Pauline Davis, James Fadden, Patricia McNamara, Janice Keay, Colleen Leonard and Donald Daniels.

### Afternoon Session

#### Third Reading & Final Passage of Bill

HB 327, relative to registration of tax appraisers.

On motion of Senator Paquette, the Senate adjourned at 11:50 A.M.

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THURSDAY, APRIL 13, 1961

The Senate met according to adjournment.

Senator McMeekin presiding.

### Guests

As guests of Senator Lamontagne, Major Richard Pinette, Mr. Roger Kennison and Miss Sandra Burlock, all of Berlin.

As the guest of Senator Buckley, his daughter, Miss Shirley Buckley, who is a Senior at Boston University.

As the guests of Senator Cleveland, his wife, Mrs. James C. Cleveland, and daughter, Miss Cotton Cleveland, Miss Jennifer Ohler and Miss Susan Bent, all of New London.

### House Message

Mr. President:

The House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

SB 73, to change the personnel of the board of managers of the New Hampshire Soldiers' Home.

Amend section 1 of the bill by inserting after the words "Spanish War Veterans" in the nineteenth line the words, one of the said department of the American Legion, so that said section as amended shall read as follows:

1 Amend RSA 119:2 by striking out in line 6 thereof the word "or" and substituting in place thereof the word, six, further amend said section by striking out in line 13 thereof the word "and"; further amend said section by striking out in lines 14 and 15 thereof the words, "or any other national veterans organization that may arise in the future" and substitute in place thereof the words, and one member of the Veterans of World War I of the U.S.A., Inc.; so that said section as amended shall read as follows:

119:2 Board of Managers. The government of the home is vested in the board of managers of the New Hampshire Soldiers' Home, consisting of the commanders of the following veterans' departments of New Hampshire ex-officiis, United Spanish War Veterans, American Legion, Veterans of Foreign Wars, a member of the Disabled American Veterans, Veterans of World War I of the U.S.A., and six citizens of the state, five of whom, at least, served in the armed forces of the United States in any war in which the United States has been, is, or shall be engaged, and who are, or shall be, discharged or separated therefrom under conditions other than dishonorable, to be appointed by the governor with the advice and consent of the council, and provided further that at least one of said appointees shall be a member of the said department of the United Spanish War Veterans, one of the said department of

the American Legion, one of the said department of Veterans of Foreign Wars, one member of the Disabled American Veterans and one member of the Veterans of World War I of the U.S.A., Inc. Each appointed member shall hold office for a term of five years and until his successor is appointed and qualified; and in case of any vacancy, an appointment shall be made for the unexpired term.

Senator Holmes: "Mr. President, this simply puts back into the law the American Legion which was inadvertently omitted. I move that the Senate concur."

On a *viva voce* vote, the Senate voted to concur in the adoption of the amendments.

The Message further stated that the House has voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 13, relative to variances in federal census figures for the apportionment of state representatives.

### Committee Reports

Senator Caron, for the Committee on Finance:

HJR 8, in favor of the New Hampshire Veterans Association. Ought to pass.

Senator Lamontagne: "Mr. President, this joint resolution refers to the New Hampshire Veterans Association buildings at the Weirs. It is a usual bill that comes in each session."

The joint resolution was ordered to a third reading.

Senator Caron, for the Committee on Finance:

HB 92, to provide for cumulative pocket supplements for Revised Statutes Annotated. Ought to pass.

Senator Cheney: "Mr. President, this bill is, I believe, self-explanatory. Its purpose is to provide for the continuation of the policy of publishing the session laws in pocket supplement form as has been our custom since the statutes were revised in 1955. The bill calls for an appropriation of \$9,000 to accomplish its purpose. The Finance Committee recommends the passage of this act."

The bill was ordered to a third reading.



Senator Caron, for the Committee on Finance:

HB 114, providing additional retirement allowances for certain retired teachers. Ought to pass.

Senator Cheney: "Mr. President, this bill provides for the continuation of a policy established by the 1959 Legislature. During the 1959 session a similar bill was passed as the result of recommendations of a special study committee.

"This bill will give the same additional retirement benefits as did the former one to 362 teachers. These beneficiaries are teachers who retired from active teaching prior to the integration of the Teachers Retirement System with Social Security, thus they are not eligible to any Social Security benefits. Many of them receive only \$30. per month retirement allowance.

"This bill provides a small additional sum for these persons who, for the most part, gave their entire working years to teaching in our public schools at a time when teacher salaries were very low.

"Although the bill calls for two sums, each in a separate *fiscal* year, the total appropriation of \$135,773., must under the provisions of our State Constitution (Part I Article 36) be paid in one *calendar* year.

"The amount required in this bill is approximately \$20,-000. less than was appropriated last Session and if we continue this policy which is practically a moral obligation, each Session the amount required will be less as the group is diminished in number as the years pass by.

"The Finance Committee recommends the passage of this act that the State may keep faith with those devoted persons who served the people of the State for so many years."

The bill was ordered to a third reading.

Senator Caron, for the Committee on Finance:

HB 64, relative to procedure for establishment of commercial code records in the office of the secretary of state. Ought to pass with amendment.

Amend said bill by striking out Section 1 and inserting in place thereof a new Section 1, so that said section shall read as follows:

1 Office of the Secretary of State. For the purpose of preparation for the operation of the commercial code in the office of the secretary of state there are hereby appropriated the following sums:

Division of commercial code:

Personal services:	
Permanent	\$686.79
Other — Consultant Fees	500.00
Current expenses	200.00
Equipment	4,020.00
Furniture	600.00
	<hr/>
Total	\$6,006.79

The sum of \$6,006.79 herein appropriated shall be a continuing appropriation and shall not lapse. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

Further amend said bill by striking out Section 2, and inserting in place thereof a new Section 2, so that said section shall read as follows:

2 Takes Effect. This bill shall take effect upon its passage.

Senator Cheney: "Mr. President, this bill provides the mechanics for putting the uniform commercial code into operation. Under the law the Secretary of State has jurisdiction over the records required by this new uniform code.

"This bill has been amended by the Finance Committee to reduce the appropriation and change the effective date.

"It will be necessary for the Secretary to purchase the essential equipment, and furniture as soon as possible. Supplies will also be necessary and enough money to pay a Clerk Stenographer II for the remaining three months prior to July 1, the end of the current fiscal year.

"Due to the lateness in processing this bill, it is highly desirable that the appropriation be a non-lapsing one. No doubt the funds provided will have been entirely encumbered prior to the end of this fiscal year, but there is a possibility that all bills incurred cannot be paid. The non-lapsing provision will

permit the Secretary to meet any financial obligations outstanding at June 30.

"The appropriation has been reduced by \$590.71 which would have been needed had the bill passed earlier in the Session.

The Effective clause has been amended to allow this bill to become effective upon its passage since the original effective date of April 1 is now past.

"The Finance Committee recommends the adoption of the amendments and the passage of the bill to permit the Secretary to carry out prior legislative directive as soon as possible."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Dunlap, for the Committee on Banks & Insurance:

SB 89, to amend the charter of Cheshire County Savings Bank. Ought to pass.

Senator Dunlap: "Mr. President, this bill is a private affair with the bank in Keene, the Cheshire County Savings Bank. The bill would amend the constitution to eliminate a \$10,000 limitation on the amount of a deposit that the bank could take and thereafter would provide that the bank may take any amount that they wish, if in accordance with the By-laws and if voted by the trustees. This would allow the bank to have not less than seven or more than eleven on the board. It is similar to other bills that this Legislature has approved which, in effect, brings the several charters of the banks up-to-date."

The bill was ordered to a third reading.

Senator Dunlap, for the Committee on Banks & Insurance:

HB 273, relating to trust companies. Ought to pass with amendment.

Amend said bill by striking out in line seven thereof the words "twenty-five" and inserting in place thereof the word, fifty. Further amend said bill by striking out in line eight thereof the word "four" and inserting in place thereof the word, six. Further amend said bill by striking out in line nine thereof the word "fifty" and inserting in place thereof the words, one hundred. Further amend said bill by striking out in lines nine,

ten and eleven thereof the words "in those of more than ten thousand inhabitants it shall be not less than one hundred thousand dollars", so that paragraph 1 of the bill shall read as follows:

1 Minimum Par Value of Capital Stock. Amend RSA 392:25 and 392:26 by striking out the words "twenty-five dollars" where they occur in the last sentence of 392:25 and the first sentence of 392:26, and inserting in place thereof the following words, one dollar, so that said section as amended shall read as follows: 392:25 Limits; Shares. The capital stock of such corporation shall be not less than fifty thousand dollars. In towns and cities of more than six thousand inhabitants it shall be not less than one-hundred thousand dollars; and in those of more than fifty thousand inhabitants it shall be not less than two hundred thousand dollars. In no event shall the capital stock exceed five hundred thousand dollars. It shall be divided into shares of par value of not less than one dollar each.

On motion of Senator Dunlap, the reading of the amendment was dispensed with.

Senator Dunlap: "Mr. President, this bill would substantially alter the statutes under which the trust companies are permitted to hold capital stock. The capital stock of any trust company, upon passage of this bill, any par value would be one dollar instead of twenty-five dollars. The reason the proponents of this bill favor this is that it would permit a bank or trust company to have its capital stock more widely held if the par value was reduced. The amendment, which was proposed by the bank commissioner and accepted by the industry, would provide that no bank could be started with less than \$50,000 of capital stock. This bill as passed by the House, provided a bank could be started with \$25,000. It has a further provision that in towns and cities of more than six thousand inhabitants, it shall be not less than one-hundred thousand dollars; and in those of more than fifty thousand inhabitants, it shall be not less than two hundred thousand dollars. The committee recommends that the bill as amended ought to pass."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senators Phillips and Dunnington, for the Joint Committee on Judiciary and Fisheries & Game:

SB 110, establishing a special fund for payments to persons killed or injured from accidental shooting. Ought to pass with amendment.

Amend section 214:38 of the bill by adding after the word "license" the words, to hunt, so that said section as amended shall read as follows:

214:38 Additional Fees. Beginning January 1, 1962, an applicant for license to hunt shall pay, in addition to the fees required by section 9 of this chapter, as amended, an additional fee of twenty-five cents. All funds received from the additional fee provided for herein shall be kept in a separate fund to be known as the Hunter's Compensation Fund. Payments from said fund shall be made as hereinafter provided.

Further amend said bill by adding after the words "accidental shooting" in section 214:39 thereof the words, which can be attributed to a hunter or hunters, so that said section as amended shall read as follows:

214:39 Claimants. Any person who has been injured, or the legal representative of any person who has been killed, by careless and negligent or accidental shooting which can be attributed to a hunter or hunters during the open hunting seasons in the state may make claim for reimbursement for damages.

Further amend said bill by striking out section 214:41 and substituting therefor the following new section:

214:41 Appeals. If the board does not approve a claim the claimant shall have the right to appeal under the provisions of RSA 541.

Further amend said bill by striking out the words "seventy-five" in section 214:45 thereof and substituting therefor the word, fifty, so that said section as amended shall read as follows:

214:45 Safety Program. At any time when the amount in the fund shall reach the sum of fifty thousand dollars any amounts in excess thereof shall be transferred to the fish and game commission (or director) for the purpose of advancing a program of hunting safety in the state.

Further amend said bill by adding after section 214:47 the following new sections:

214:48 Director and Attorney. Any person holding a license to hunt or fish within this state shall thereby be deemed to have appointed the director or his successor in office, his true and lawful attorney upon whom may be served all lawful processes in any civil action or proceeding against him, growing out of an act of hunting or fishing within this state. Any processes against such person so served shall be of the same legal force and validity as if served on him personally; provided, however, that this section shall not apply to a resident unless thereafter he shall have removed from the state.

214:49 Service of Process. Service of such process shall be made by leaving a copy thereof with a fee of \$2.00 in the hands of the director or in his office, and such service shall be sufficient, provided that notice thereof and a copy of the process are forthwith sent by registered mail by the plaintiff or his attorney to the defendant, and the defendant's return receipt and the affidavit of the plaintiff or his attorney of compliance therewith are appended to the writ and entered therewith. In the event that the notice and copy of process are not delivered to the defendant the Superior Court may order such additional notice, if any, as justice may require.

214:50 Record of Processes. The director shall keep a record of all such processes, which shall show the day and hour of service.

214:51 Continuance of Action; Costs. The Court in which the action is billed may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action. The fee of \$2.00 paid to the director by the plaintiff at the time of the service as provided in section 2 hereof, shall be taxed in his costs if he prevails in his suit.

Further amend said bill by adding at the end of section 2 thereof the following new words, and shall remain in effect until January 1, 1965, so that said section as amended shall read as follows:

2 Takes Effect. This act shall take effect January 1, 1962 and shall remain in effect until January 1, 1965.

On motion of Senator Cleveland, the reading of the amendment was dispensed with.

Senator Cleveland: "Mr. President, we believe that the bill as amended by the Joint Committee is well worthy of approval. The bill recognizes the fact that during the hunting season certain people are wounded and sometimes killed. It was felt that there should be some provision whereby these people should receive some compensation. The bill provides a limitation in the case of killing, \$5,000, which is very paltry. In the case of wounding, it provides a limitation of \$2,500, which is more paltry. These minimum figures are felt to be fair. The Judiciary Committee felt, and I think felt properly, that if the damage to livestock by hunters was compensated, then certainly human beings should be also. Senator Drake and I re-introduced this legislation. It provides 25c fee for each hunting license will be added to the fee and set aside as a special fund. Subject to an appeal section which is one of the amendments. If the wound is self inflicted, no compensation. There was no opposition other than one person who raised the question which we feel has been taken care of. The Fish & Game Department did not sponsor the bill, but they do not oppose it, and feel that it merits a trial. The amendments, we believe, greatly strengthen the bill:

1. Makes it clear that the 25c surcharge applies only to a hunting license.
2. The accidental shooting must be attributed to hunting or hunters. Very clear.
3. Amends the appeal. The first was that the appeal should be to the Governor and Council. It was changed to be the same as in other statutes — directed to the supreme court.
4. Senator Bergeron suggested this — when the fund reaches \$50,000 instead of the original \$75,000 — so that there will not be a large accumulation of funds. Any money over that will be transferred to Fish & Game to establish a program for hunting safety. The Committee felt that not only should we protect, but also to avoid these accidents by teaching hunting safety.
5. Subrogation rights in this. The state has all the rights and can then proceed if the person can be located. When anybody buys a hunting license, they make the Fish & Game Department their agent to receive service.



6. Probably the most significant amendment of all. Maybe in years to come, in some years a fee of 10c, or even no c a year would be necessary. We made the effective date, January 1, 1962, but can only remain in effect until January 1, 1965 and it will expire at that time. The matter will have to come up for review again. Then adjustment can be made. If not found to be satisfactory, it can be abandoned. The Committee voted unanimously as ought to pass with amendment."

Senator Green moved that further consideration of the above entitled bill with the proposed amendments, and consideration of the next Committee Report to be taken up, be made a Speical Order of Business for next Tuesday morning at 11 o'clock.

Senator Cleveland stated that he had no objection to the motion.

Next Committee report being:

Senators Phillips and Dunnington, for the Joint Committee on Judiciary and Fisheries & Game:

HB 35, relative to damage to domestic livestock by hunters. Ought to pass with amendment.

Amend the bill by striking out the words "fish and game" in section 1 thereof and substituting therefor the words, hunter's compensation, so that said section 1 as amended shall read as follows:

1 Board for Assessment, Established. Amend RSA 426:13 by striking out said section and inserting in place thereof the following: 426:13 Damage by Hunters. The state shall compensate the owners for all domestic livestock killed or wounded by hunters in the open season for hunting in any county. A board consisting of the commissioner of agriculture, the director of fish and game and the deputy attorney general shall hear and determine all claims made hereunder and shall assess the amount of damages in each case found to be compensable. Said sum shall be a charge upon the hunter's compensation fund. The decision of the board shall be final.

Further amend the bill by striking out section 2 thereof and substituting therefor the following:

2 Takes Effect. This act shall take effect January 1, 1962.



Question being on motion of Senator Green for Special Order.

(Discussion ensued)

Senator Paquette inquired: "Does this fund stay in the Fish & Game Department?"

Senator Cleveland: "This will be a separate fund. I suppose it will be administered by the State Treasurer. It will not go into the general funds of the Fish & Game Department."

Senator Dunlap: "Mr. President, I recognize that the Senator from the 7th District sincerely believes that this is a need. I speak to this matter because I think there are many things to be considered and could readily be the subject of soul searching over the week end, if this is to become a Special Order. I agree that \$5,000 is somewhat smaller than the courts would normally award in damages. I think we should proceed rather carefully with this because many times people get the wrong impression. I can see many instances where a well meaning person might feel that as long as he pays his 25c fee, he is satisfactorily paying his obligations. In my judgment, there are so many things involved here and the Committee has already submitted a number of amendments, I think the motion to make it a Special Order is very important. In addition, I think the Senate should get all the information with regard to the matter before we act on Tuesday."

Senator Green: "My purpose for making my motion for Special Order is based on the fact that both of these bills are contemplating a new course of action. I do not think we should protect livestock and not human beings."

Senator Dunnington: "Mr. President, I would like to further emphasize that this particular bill is not being advocated as an insurance policy. It was clearly brought out by a member of the Fish & Game Department that they as a department head have always been opposed to any such insurance policy ever being issued by the State. They felt that if a man shoots somebody, he would be required to pay if the man had no policy and no money. It was not to be regarded as a state insurance policy which in their opinion might actually encourage carelessness in the woods, but they felt this did not do this."

Question being on motion of Senator Green for Special Order.

On a *viva voce* vote, the affirmative prevailed, and the motion for Special Order carried.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following Senate Bills:

SB 58, relative to permission to towns to appropriate money for payment of association dues.

SB 60, increasing the salary of the clerk of the Portsmouth municipal court.

Louis W. Paquette  
For the Committee

Senator Dunlap offered the following Resolution:

*Whereas*, there is now pending before the Senate, Senate Bill 1, An Act to provide partial relief for depositors in commercial accounts in the Valley Trust Company; and

*Whereas*, questions have been raised concerning its constitutionality,

*Now, Therefore, be it Resolved* That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions:

1. Does the said bill conflict with or violate the New Hampshire Constitution in any of its provisions?

2. If the answer to question one is in the affirmative, would the answer be the same if the money for the purposes of the bill were taken from the general funds of the state?

3. If the answer to question one is in the affirmative, would the answer be the same if the bill were amended by striking out the first and second sections thereof and substituting therefor an amendment to RSA 395:12 so that said statute would read:

395:12 Agent's Compensation, etc. The compensation of any agents, counsel, employees and assistants, and all expenses of supervision and liquidation, shall be fixed by the commissioner, subject to the approval of the court, and on notice to such institution, and upon the certificate of the commissioner, shall be paid out of the general funds of the state.

On a *viva voce* vote, the above Resolution was adopted.

On motion of Senator Green, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time, and when the Senate adjourns today, it be to meet next Tuesday morning at 11 o'clock.

### Afternoon Session

#### Third Reading and Final Passage of Bills & Joint Resolution

SB 89, to amend the charter of Cheshire County Savings Bank.

HB 64, relative to procedure for establishment of commercial code records in the office of the secretary of state.

HB 92, to provide for cumulative pocket supplements for Revised Statutes Annotated.

HB 114, providing additional retirement allowances for certain retired teachers.

HB 273, relating to trust companies.

HJR 8, in favor of the New Hampshire Veterans Association.

Senator Green: "I wish to offer sincere congratulations to the acting President for a job well done."

On motion of Senator Gardner, the Senate adjourned at 12:12 o'clock.

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TUESDAY, APRIL 18, 1961

The Senate met according to adjournment.

### Leaves of Absence

Senator Phillips was granted leave of absence for the week because of a death in the family.

Senator Humphreys was granted leave of absence for the week because of illness.

### Guests

As the guest of Senator Eaton, Mr. Michael B. Moynehan, Jr. of Keene, ski instructor, Mt. Snow, Vermont.

As the guest of Senator Humphreys, Mr. Robert Gilbert of Bar Harbor, Maine.

As the guests of Senator Buckley, Mr. and Mrs. Thomas R. Murray of Hinsdale, Mass. Mrs. Murray is the daughter of the Senator. Mr. Murray is a teacher in the school there.

As guests of Senator Monahan, Mr. Paul Weinberg, student at Dartmouth College, Hanover, and the son of the Senator, Daniel H. Monahan, senior at University of New Hampshire.

As the guest of Senators Bunten and Caron, Mr. Donald Buck, graduate student at University of New Hampshire, majoring in Economics, the grandson of the Senate sergeant-at-Arms, Nathan Tirrell.

As the guests of Senator Lamontagne, Reverend and Mrs. Gerald Larson and daughter Miss Stephanie Ann Larson, of Berlin.

As guests of Senator McMeekin, Mrs. H. K. Davison, wife of Chairman Davison of the Public Utilities Commission, Mrs. H. O. Taylor, Mrs. Frank Bishop of Woodsville, and Mrs. Lyman Wheelock of Wells River, Vermont.

### Resolutions

Senator Holmes for the entire Senate offered the following Resolution which was adopted by a standing vote.

*Whereas*, Dr. Fred K. Phillips, of Claremont, has passed away and

*Whereas*, Dr. Phillips was the husband of our esteemed member from the Eighth District to the Senate of the State of New Hampshire, now therefore be it

*Resolved*, That we, the members of the Honorable Senate do hereby express our deep sympathy to our fellow member in her bereavement, and be it further

*Resolved*, That the Clerk of the Senate transmit a copy of these Resolutions to Senator Marion L. Phillips.

Senator Dunlap offered the following Resolution which was unanimously adopted:

*Whereas*, we have learned of the hospitalization of Mary Lou Eaton, the wife of Senator Charles Eaton of the 10th District,

Now Therefore Be It:

*Resolved*, that the Senate extends to Mrs. Eaton its best wishes for a speedy and full recovery, and be it further

*Resolved*, that the clerk be instructed to transmit a copy of these resolutions to Mrs. Eaton.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 8, increasing the salary of the Grafton county attorney.

HB 118, relative to data processing systems.

HB 265, providing penalties for illegal operation of boats.

### Read and Referred

To the Committee on Judiciary:

HB 8, increasing the salary of the Grafton county attorney.

To the Committee on Banks & Insurance:

HB 118, relative to data processing systems.

To the Committee on Resources, Recreation & Development:

HB 265, providing penalties for illegal operation of boats.

### Introduction, First & Second Reading of Senate Bill

SB 120, relative to jurisdiction of director of tobacco products division. (McMeekin) To the Committee on Ways & Means.

### Committee Reports

Senator Monahan, for the Committee on Resources, Recreation & Development:

HB 355, providing for the classification of certain surface waters of the Otter brook watershed. Ought to pass.

Senator Monahan: "Mr. President: Because our calendar appears relatively light today and because House Bill 355, classifying Otter Brook and its tributaries as B-1 waters, is a significant illustration of how our water pollution control policy is now operating, I shall take more time than usual in explaining this bill.

"Otter Brook and its tributaries are located in the City of Keene and the adjacent towns of Nelson, Roxbury, Stoddard and Sullivan — all in the 10th Senatorial District — as shown on this map I shall be glad to explain to any Senators interested in details.

"House Bill 355 proposes that classification be adopted for these waters from their sources to the outlet of the flood control structure within the City of Keene and the Town of Roxbury. The control facilities were designed and constructed by the U. S. Corps of Army Engineers in connection with the Federal Government flood control program in October 1958.

"As an immediate outgrowth of the project, a permanent pool was developed behind the dam and, through a cooperative arrangement, this is now to be managed by the Recreation Division of the Forestry and Recreation Department as a swimming area. Associated picnicking and recreational facilities are in process of development on adjacent lands.

"It was pointed out at the hearing by Allan Evans, Deputy Director of Recreation, that the State proposes further expansion of these facilities in the immediate future with a substantial potential use of residents of the Keene area. It was indicated that as many as 2,000 to 3,000 people could be enjoying these privileges daily, especially on warm summer weekends.

"During the 1960 operating season, it was necessary for the State Department of Health to close the beach at the Otter Brook dam because of upstream pollution arising from sewage disposal by individual homes.

"Because of the shortage of suitable swimming sites locally, and the easy access to Otter Brook pool, the city of Keene has made funds available in order that corrective measures may proceed in the watershed. Thus, the City is absorbing the cost

of the necessary septic tank, cesspool and similar units required at some ten or twelve homes scattered over the watershed in order that these sources of contamination will be removed from the brook and its tributaries. This work has been largely completed and will be totally taken care of in advance of the 1961 summer season. The watershed is sparsely inhabited and to the best of the Water Pollution Commission's knowledge and also that of the City of Keene officials, the only sources of contamination are those I have mentioned.

"Inasmuch as the sole barrier to classification — cost to the affected individual — has been removed, legislative action is now appropriate. All interested parties, including the City of Keene, local civic organizations, the Division of Recreation and the Water Pollution Commission, appeared at the House hearing on March 28, and advocated the adoption of HB 355. There was no opposition to the measure. Similarly the appearances before the Senate Resources, Recreation and Development Committee were favorable on Apr. 12.

"In view of the fact that the best interests of the State and local governments, as well as community organizations, will be promoted by the adoption of a B-1 classification, whereby present and future water quality will be protected and insured, it is recommended that the Senate adopt the Committee's report of 'Ought to Pass' for this bill.

"In closing, Mr. President, I wish to call to the attention of the Senate the fact that the late James E. McCullough, Member from Ward 2, Keene, introduced this bill. His name still appears on your printed copy as the sponsor of HB 355. This legislation is typical of the forward-looking measures which Jim supported with his sincere interest in pending statutes that would benefit his beloved Keene, Cheshire County and the whole state. This is such a bill. I urge its passage and move adoption of the committee report."

The bill was ordered to a third reading.

Senator Drake, for the Committee on Fisheries & Game:

HB 226, providing for a closed season on black bear.  
Ought to pass with amendment.

Amend such act by inserting the following in line 6 after ponds:



Wild black bear may be taken by the aid and use of dogs during the months of April, May, September and October with written permission of the Director or his agents.

Senator Drake: "Mr. President, the House passed the bill as originally written, without amendment. Practically every state in the United States has already passed such legislation. They are giving it protection in various forms, but all providing some form of protection. Vermont protects from January 1 to June 1. Upon the passage of this bill, the bear will gain the stature of a big game animal in New Hampshire. The amendment provides that wild black bear may be taken by the aid and use of dogs during the months of April, May, September and October with written permission of the Director or his agents."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

SB 104, relative to jurisdiction of state over air bases.

Recommend that the bill be referred to the Judicial Council.

Senator Cleveland: "Mr. President, this bill was felt to be too complicated and with too many ramifications for the Judiciary Committee and we thought it would be wise to let the Judicial Council look this over before any legislative action was taken on it."

On a *viva voce* vote, the recommendation of the Committee was adopted.

Senator Phillips, for the Committee on Judiciary:

HB 331, relative to administration of small estates. Ought to pass with amendment.

Amend section 1 of said bill by adding after the word "law" in line eleven thereof the following new sentence, Such voluntary administrator shall, at the time of filing such affidavit also file a report of gifts and transfers under RSA 86:22 with the register of probate and with the division of inheritance taxes, state tax commission, so that paragraph 1 of said section as amended shall read as follows:

1 Small Estates. Amend RSA 553 by inserting after section 30 the following new section: 553:31 Administration of



Small Estates. If the estate of a deceased person consists entirely of personal property of a gross value not exceeding fifteen hundred dollars and after the expiration of thirty days from the date of his death, no petition under any other section of this chapter 553 has been filed, his surviving spouse, parent, lineal descendant, brother or sister, if of legal age and legal capacity and an inhabitant of this state, may file with the probate court in the county in which the deceased was domiciled at the time of his death an affidavit stating that the affiant has undertaken to act as voluntary administrator of such an estate and will administer the same according to law. Such voluntary administrator shall, at the time of filing such affidavit also file a report of gifts and transfers under RSA 86:22 with the register of probate and with the division of inheritance taxes, state tax commission. The form of this affidavit and the rules governing proceedings under this section shall be prescribed in the manner provided by RSA 547:33.

On motion of Senator Cleveland, the reading of the amendment was dispensed with.

Senator Cleveland: "Mr. President, this bill is a Judicial Council bill that accomplishes the following: It sets up a procedure whereby a small estate, only in personal property and amounting to less than \$1500, can be settled expeditiously and without the formalities and costs that are intent on a larger estate. The amendment is that even with this simplified procedure, you must still notify the Tax Commission of this matter."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 332, relative to liability for violation of law of the road. Ought to pass with amendment.

Amend section 1 of said bill by striking out in line six thereof the word "ten" and inserting in place thereof the word, fifty, so that said bill as amended shall read as follows:

1 Damages. Amend RSA 250:4 by striking out the words " but no action for such damages shall be sustained unless begun within one year" in lines 4 and 5, so that said section as amended shall read as follows: 250:4 Penalty. If any person shall violate any of the provisions of the three preceding sec-

tions he shall be fined not more than fifty dollars and in addition thereto shall be liable for the damages occasioned thereby.

On motion of Senator Cleveland, reading of the amendment was dispensed with.

Senator Cleveland: "Mr. President, the bill amends the section of the law that pertains to violation of the rules of the road. The bill strikes out a one year limitation and leaves that part of the law with the rest of the negligent law — six year statute limitation applies. This was referred to the Judicial Council and was treated there. The amendment changes the fine for violation of the rule of the road from maximum of \$10 to maximum of \$50. This was recommended by the Secretary of the Judicial Council. The rules of the road are far more important than many sections of the law. The maximum fine for speeding is \$50 and it was felt that violations should carry a fine similar in the amount."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Monahan, for the Committee on Engrossed Bills:

SB 73, to change the personnel of the Board of Managers of the New Hampshire Soldiers' Home.

Under Joint Rule No. 6 with the following amendment:

Amend section 1 of said bill by striking out the first seven lines and inserting in place thereof the following:

1 New Hampshire Soldiers' Home. Amend RSA 119:2 by striking out said section and inserting in place thereof the following:

Senator Monahan: "Mr. President, this is a technical amendment picked up in the office of the Attorney General. I move that the Senate concur in the adoption of the amendment."

On a *viva voce* vote, the Senate voted to concur.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills and House Joint Resolution:

HB 92, to provide for cumulative pocket supplements for Revised Statutes Annotated.

HB 114, providing additional retirement allowances for certain retired teachers.

HB 137, extending the time during which an act relative to certain bridge over the Merrimack river shall be effective.

HB 148, relative to classification of certain highways in the towns of Bedford and New Boston.

HB 267, relative to aircraft service operator certificate.

HB 327, relative to registration of tax appraisers.

HJR 8, in favor of the New Hampshire Veterans Association.

SB 13, relative to variations in federal census for the apportionment of state representatives.

SB 55, relative to trespassing on private property.

SB 68, relating to the annual report of the racing commission.

SB 78, relative to investments legal for trustee.

SB 79, relative to investments legal for Guardians and Conservators.

SB 80, relative to the homestead right of minor children.

Robert S. Monahan  
For the Committee.

### **Special Order of Business at 11:01**

Senator Drake called for the Special Order. Being consideration of the following two entitled bills with proposed amendments:

SB 110, establishing a special fund for payments to persons killed or injured from accidental shooting.

HB 35, relative to damage to domestic livestock by hunters.

Senator Battles moved that SB 110 and HB 35 above be recommitted to the Joint Committee of Judiciary and Fisheries & Game and spoke in support:

Senator Battles: "Mr. President, over the week end, I had a considerable number of telephone calls from constituents of mine who seemed to be quite concerned about these bills, particularly SB 110 more than HB 35. Most of them being in the insurance business, they felt that if they could be given an opportunity to be heard, that some time in the very near future, they could come up with a private plan for the insurance companies that would satisfy the intent of this state and keep the state out of the so-called insurance business. It is for this reason that I make this motion."

Senator Cleveland: "Mr. President, I rise in opposition to the motion. The Chairman of the Fisheries & Game Committee can speak for himself and his committee, but the Judiciary Committee has had two full hearings on the subject matter of these two bills and the committee has given them as much time as we think they merit. It is true that the insurance people are opposed to certain features of these bills and have contacted the Senators. The fact of the matter is that there were two public hearings on these bills and it is not my fault, nor the committee's fault, that the insurance people were not aware of these two bills. At least a month or so ago — in connection with SB 110, the first move was to amend HB 35. The bills were printed and plenty of warning given. On top of this, SB 110 is a Senate bill and if passed will have to go to the House. They can make their arguments to the House if this bill passes the Senate."

Senator Caron: "I am in opposition to the motion of Senator Battles. I feel that this bill SB 110 should be indefinitely postponed and I so move by suspending the rules after the vote on motion of Senator Battles."

Senator Caron: "I have had 25 letters since last Friday, against this bill. I think it is a waste of time to recommit. We all know how we are going to vote."

Senator Battles inquired of Senator Caron: "Would you be willing to tell the Senators whether or not a vast majority of those letters were from insurance people?"

Senator Caron: "Twelve letters were from hunters and fifteen or eighteen from insurance people?"

Senator Battles inquired of Senator Caron: "Would you be willing to withdraw your motion and have a vote on my motion?"

Senator Caron withdrew her motion.

Senator Dunlap: "Mr. President, I agree with Senator Cleveland that to recommit this bill might not serve any useful purpose. The fact that the hearings have been held and the fact that those interested did not appear does not change the demerits of this legislation. I would say that part of the reason that those interested did not appear was because there was some ambiguity and misunderstanding in the way that the hearing was advertised. No one is suggesting that this is the reason that this is not good legislation. Senator Cleveland has likened this type of insurance to workmen's compensation. I think it is more adequate to say that we should liken this insurance to compulsory automobile insurance or an unsatisfied judgment fund. I would like to add here that the insurance industry consistently supports good legislation, and just as soundly resists legislation that does not seem in the public interest. . . . I hope that the Senate will not recommit the bill."

Senator Drake: "Mr. President, I would like to say that the basic need for a bill of this nature—to begin with, the State of New Hampshire, or the Legislature, or both, are somewhat remiss when they allow a license to be sold to handle a lethal weapon without any form of examination. Is the state in error in permitting the sale of licenses under these provisions?

This was the primary need for some type of legislation to cover this . . ."

Senator Eaton spoke in opposition to the motion to recommit.

Senator Lamontagne presiding.

Senator Green: "As far as I am personally concerned, after the remarks of the Senator from the 7th District if we recommit the bill, the committee will have no further hearing and it may remain in the committee. I am opposed to SB 110 and HB 35 because I cannot see why HB 35 permits the Fish & Game to take money out of their funds to pay for livestock, while SB 110 which has to do with human beings, no provision made. I don't believe that we are going to accomplish our objective in assessing 25c on each hunting license. Quite a few of

the hunters have their own insurance policies. What we are going to do is open up a hornet's nest. . . ."

Senator Monahan: "Mr. President, I am in support of SB 110 as amended. I received a good many communications asking me to oppose this bill. . . . I think there is some good merit in this bill and I would like to see it stay alive, but I realize the opposition."

Senator Green presiding.

Senator Holmes: "Mr. President, I am in sympathy and I would like to vote for it. But I cannot vote for it today. I will support the motion to recommit."

Senator Gardner: "Mr. President, this bill has gone through the same legislative channels all other bills must pass through. We have had a week end to consider SB 110 and the amendments printed. I think it should be considered at this time and either passed or killed. I am opposed to SB 10."

Senator Lamontagne spoke against the motion to recommit.

(Discussion ensued)

Senator English: "Mr. President: As a member of the committee I would like to say that the discussion in the Senate this morning suggests that there is confusion about this bill. One Senator has remarked that the minds of most of the Senators are made up. I, for one, although I thought knew the provisions of this bill, have become confused. Reluctant as I am to oppose the Chairman of the Judiciary Committee, I think in all fairness this bill should be rereferred and those who have objections should be heard, and those who are in favor have a chance to answer the objections.

Senator Caron moved the previous question. Seconded by Senator Battles.

On a *viva voce* vote, the affirmative prevailed.

Question being on motion of Senator Battles that the two bills, SB 110 and HB 35 be recommitted to the Joint Committee of Judiciary and Fisheries & Game.

On a *viva voce* vote, the affirmative prevailed, and the bills were recommitted.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time.

### **Afternoon Session**

#### **Third Reading & Final Passage of Bills**

HB 226, providing for a closed season on black bear.

HB 331, relative to administration of small estates.

HB 332, relative to liability for violation of law of the road.

HB 355, providing for the classification of certain surface waters of the Otter brook watershed.

### **Announcement**

The President announced that relative to communication from the Governor, and Agreement between the State of New Hampshire and the State of Vermont, see House Journal of April 18th for details.

On motion of Senator Paquette, the Senate adjourned at 1:10 o'clock.

WEDNESDAY, APRIL 19, 1961

The Senate met according to adjournment.

### Leave of Absence

Senator Sawyer was granted leave of absence for the day on account of important business.

### Guests

As the guests of Senator Caron, Mrs. Patricia McNamara, Mrs. Mary Niles and Mrs. Ruth Kenney of Wilmington, Mass. Mrs. McNamara is the daughter of the Senator, and the mother of five of the Senator's ten grandchildren.

As the guest of Senator Buckley, Mr. Frank Lovering of Auburn, a retired RFD carrier.

As the guest of Senators Holmes and Dunnington, Mrs. Malcolm Chase of Durham.

As the guest of Senators Green and Daniel, Mr. Joseph G. Labonte of Manchester.

As guests of the entire Senate, Lt. Governor Ralph Foote of Vermont; Minority leader in the Vermont House, Representative Samuel Fishman; Senator John Boylan, also of Vermont, and Secretary of the Senate, Earl Bishop.

At the request of the President, Lt. Governor Foote addressed the Senate briefly, expressing his pleasure for the honor of being here this morning and bringing to the Senate the greetings of the sovereign state of Vermont.

The President recognized Senator Eaton under personal privilege: "I simply wish to state that I had the pleasure of associating with Lt. Governor Foote in Michigan last year and all I wish to say is if he is half as good a Governor as he is shuffleboard player, the state is in good hands."

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:



HB 36, relative to the transportation of deer.

HB 187, authorizing the establishment of an interstate school district by Hanover, New Hampshire, and Norwich, Vermont.

HB 260, relative to damage to game and hunting with dogs.

HB 401, relative to cooperative arrangements between towns for public recreational facilities.

The Message further stated that the House refuses to concur with the Honorable Senate in its amendments to the following entitled bill sent down from the Honorable Senate, and requests a Committee of Conference.

HB 273, relating to trust companies.

The Speaker has appointed as conferees on the part of the House, Messrs. Bigelow of Warner, Asby of Canterbury, and Delisle of Manchester.

On motion of Senator Dunlap, the Senate voted to accede to the request of the House for a Committee of Conference.

Pursuant to the above, the President appointed as members on the part of Senate, Senators Dunlap and Bergeron.

The Message further stated that the House has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 65, providing that the state of New Hampshire may enter into a compact with any of the New England states to provide for the control, development and execution of programs of cooperation for the confinement, treatment and rehabilitation of offenders.

SB 82, relating to attachment liens.

The Message further stated that the House has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

HB 64, relative to procedure for establishment of commercial code records in the office of the secretary of state.

The Message further stated that the House concurs with the Honorable Senate in the passage of the following entitled

bill, with amendment, in the passage of which amendment the House asks the concurrence of the Honorable Senate:

SB 3, relative to protection at railroad crossings.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1 Stop Signs. Amend RSA 373 by inserting after section 10 the following new section: 373:10-a Dangerous Crossings. The public utilities commission shall have authority to order stop signs installed at particularly dangerous public crossings or private railroad crossings after hearing or on its own motion after investigation.

On motion of Senator Battles, the Senate voted to non concur in the adoption of the House amendment to the above entitled bill, and request a Committee of Conference.

Pursuant to the above, the President appointed as members on the part of the Senate, Senators Battles and Lamontagne.

### **Read and Referred**

To the Committee on Fisheries & Game:

HB 36, relative to the transportation of deer.

HB 260, relative to damage to game and hunting with dogs.  
To the Committee on Education:

HB 187, authorizing the establishment of an interstate school district by Hanover, New Hampshire, and Norwich, Vermont.

To the Committee on Resources, Recreation & Development:

HB 401, relative to cooperative arrangements between towns for public recreational facilities.

### **Introduction, First & Second Reading of Senate Bills**

SB 121, relative to the tattooing of minors. (Gardner — Committee on Rules) To Judiciary.

SB 122, relative to duties of clerk of school district. (Battles) To Education.

SB 123, to impose an operating fee on aircraft. (Eaton, by request) To Transportation.

### Committee Reports

Senator Holmes, for the Committee on Education:

HB 308, relative to released time for music instruction.  
Ought to pass.

Senator Holmes: "Mr. President, this bill would repeal RSA 193:6 which relates to released time for music which is an unnecessary piece of legislation in view of modern conditions. RSA 189:15 dealing with the regulatory powers of school boards accomplishes the same end as does RSA 193:6."

The bill was ordered to a third reading.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House Bill:

HB 171, relative to unemployment compensation.

Robert S. Monahan  
For the Committee

### Announcement

The President: "I invite the attention of the members of the Senate that it is expected that the House is taking up the budget bills tomorrow and will stay in session until they pass them tomorrow. That means that we will get them in here on Tuesday."

The President recognized Senator McMeekin: "Mr. President, I move that the Senate reconsider its action whereby it refused to concur in the amendment offered by the House and requested a Committee of Conference on the following entitled bill:

SB 3, relative to protection at railroad crossings.

Senator McMeekin spoke in support of the motion: "Mr. President, I am not entirely sure how to vote on this motion myself. I think things have transpired quite rapidly here. I studied the amendment and it appeared to be all right. The House amendment corrects an error, but the meat of the bill is exactly the same as reported in from Transportation Committee. I can see no reason for appointment of a Committee of Conference."

Senator Battles inquired of Senator McMeekin: "Do you object in allowing me time in having a Committee of Conference and having an opportunity to look at the bill? It is my bill."

Senator McMeekin: "I am curious as to what is wrong with the bill as it is. Why do you request the Committee of Conference? I am not sure that I do object, but why do you ask it?"

Senator Battles: "I just wish an opportunity to look it over."

Senator McMeekin withdrew his motion for reconsideration.

On motion of Senator Bunten, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time.

### **Afternoon Session**

#### **Third Reading and Final Passage of Bill**

HB 308, relative to released time for music instruction.

On motion of Senator Paquette, the Senate adjourned at 11:50 A.M.

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THURSDAY, APRIL 20, 1961

The Senate met according to adjournment.

### **House Message**

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 154, relative to ranch bred mink.

HB 277, relative to grading, packing, shipping and sale of apples.

HB 359, to provide for the sale of quail.

The Message further stated that the House has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

HB 332, relative to liability for violation of law of the road.

The Message further stated that the House has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

SB 73, to change the personnel of the board of Managers of the New Hampshire Soldiers' Home.

The Message further stated that the House has voted to non concur with the Honorable Senate in its amendments to the following entitled bill and requests a Committee of Conference:

HB 226, providing for a closed season on black bear.

The Speaker has appointed as members on the part of the House, Messrs. Spalding of Plainfield, Cheney of Newton, and Fortier of Berlin.

On motion of Senator Drake, the Senate voted to accede to the request of the House for a Committee of Conference.

Pursuant to the above, the President appointed as members of such Committee, Senators Drake and Monahan.

### **Read and Referred**

To the Committee on Fisheries & Game:

HB 154, relative to ranch bred mink.

HB 359, to provide for the sale of quail.

To the Committee on Agriculture:

HB 277, relative to grading, packing, shipping and sale of apples.

### **Committee Reports**

Senator Cheney, for the Committee on Finance:

SB 107, relative to salaries of legislative attachés. Ought to pass with amendment.

Amend said bill by striking out section 6 and inserting in place thereof the following:

6 Takes Effect. This act shall take effect as of January 4, 1961.

Senator Cheney: "Mr. President, this bill is to provide a salary increase for legislative attachés within the Senate only.

"It provides for an increase of \$1.00 per day for each Senate attaché with the exception of our Senate Clerk whose salary has been raised by \$50.00 per week. (We have, by prior action, increased the salary of our Senate Counsel)

"This will cost approximately \$3,000. for a Session of 6 months or 26 weeks.

"The Committee believes that the policy of the bill is in keeping with general belief that all employees' salaries should be increased. Our Senate attachés are a very conscientious group and their loyalty is deserving of our attention. Our Clerk has served this honorable body for 37 years.

"The Senate has not presumed to change the salary scale of attachés of The House for to have done so would have been to infringe upon House prerogatives. The bill can be amended in The House if that body desires to compensate its attachés in a similar manner.

"The bill has been amended to change the effective date from the date of passage to the beginning of this Session or January 4, 1961.

"The Committee recommends the adoption of the amendment and the passage of this bill."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Drake, for the Committee on Public Health, Welfare & State Institutions:

SB 113, relative to foster day care homes. Ought to pass.

Senator Dunlap: "Mr. President, the Chairman of the Committee, Senator Sawyer, was unable to be present at the hearing because of other business and the Vice Chairman and the Senator from District No. 2 heard the bill. Speaking in

favor was Senator Buckley and Commissioner Barry. This bill would eliminate the requirement that a home or a baby sitter caring for children during the day time in his or her own home, it would eliminate the need for a license. As the statute now operates, if you let your child stay in someone else's house during the day while you are otherwise engaged, this home would have to have a license; it was felt that this was needless legislation."

Senator Gardner: "Mr. President, the State Board of Welfare considered this before the bill was drawn up. I speak for myself, but I believe I can also include the rest of the members, we are wholeheartedly in favor of this bill."

The bill was ordered to a third reading.

Senator Drake, for the Committee on Public Health, Welfare & State Institutions:

HB 196, relative to total population figure at Laconia State School. Ought to pass.

Senator Dunlap: "Mr. President, this bill would fix certain limitations as to the population of the school at Laconia. The bill is advocated by Mr. Towle, the Superintendent. It would permit the Trustees of the Laconia School to determine what is a safe and reasonable population and it would then require that the figure be submitted to the Governor and Council for approval. After receiving the approval, the Trustees and Superintendent would be permitted to refuse patients that might be referred by the court. Until such time as the facilities there can be increased, it is inconsistent to put more people in than the State Department of Health standards would approve. I think it is needed legislation and the Committee voted the bill ought to pass."

The bill was ordered to a third reading.

Senator Drake, for the Committee on Fisheries & Game:

HB 164, relative to acquisition of land for propagation of game. Ought to pass.

Senator Drake: "Mr. President, this bill merely changes the statutes whereby game propagation would be put in the same statute provision as for the propagation of fish. At the present

time, it is not in the law and therefore cannot be done. There was no opposition and the Committee voted ought to pass."

The bill was ordered to a third reading.

Senator Drake, for the Committee on Fisheries & Game:

HB 208, relating to revocation of hunting and fishing licenses. Ought to pass.

Senator Drake: "Mr. President, there are some inconsistencies in the present law that do not clearly cover the case of a person losing his license. This bill merely clarifies the rules and installs a penalty for violation of the rules."

The bill was ordered to a third reading.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills:

HB 64, relative to procedure for establishment of Commercial Code records in the office of the Secretary of State.

HB 308, relative to released time for music instruction.

HB 355, providing for the classification of certain surface waters of the Otter Brook watershed.

SB 82, relating to attachment liens.

Robert S. Monahan  
For the Committee

The President recognized Senator Dunlap on a matter of personal privilege: "Mr. President, may I call the attention of the Senate to Willard Edwards' column in the Chicago Sunday Tribune under date of April 2nd which is currently being carried in the Manchester Union. It may be that not all of us agree with our Senior Senator Styles Bridges in some instances, but I would recommend to you this article on his views, which over the years have been pretty sound. He has pointed out from time to time the danger of trying to do business with the Communists and I think this article points out quite well how his judgment has been sustained."



On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time, and when the Senate adjourns today, it be to meet next Tuesday morning at 11 o'clock.

### **Afternoon Session**

#### **Third Reading and Final Passage of Bills**

SB 107, relative to salaries of legislative attachés.

SB 113, relative to foster day care homes.

HB 164, relative to acquisition of land for propagation of game.

HB 196, relative to total population figure at Laconia State School.

HB 208, relating to revocation of hunting and fishing licenses.

On motion of Senator Paquette, the Senate adjourned at 11:40 A.M.

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TUESDAY, APRIL 25, 1961

The Senate met according to adjournment.

### **Leaves of Absence**

Senator Provost was granted leave of absence for the day on account of important business.

Senator Humphreys was granted leave of absence for the week on account of illness.

### **Guests**

As guest of Senator Caron, Mrs. Nancy Perrin, a member of the State Committee in Massachusetts; a student of Government, now doing her internship under the direction of Mrs. Philip Allen, Chairman of State of Massachusetts Republican Committee.

As guest of Senators Buckley and Caron, Miss Eve M. Staby, daughter of A. J. Staby, Secretary of the Truck Owners Association.

As guests of Senator Holmes, Mrs. Richard Pike and her son Kenneth Pike, of Nashua.

As guests of Senator Phillips, Mrs. Margaret Nolle of Austin, Texas, and Mrs. Carolyn Wood of Tuftonboro, New Hampshire, the daughters of the Senator.

As guests of the President, Mrs. Theodore Krentzel, Alan Benjamin Krentzel, Mrs. Saul Taube, Jo Anne Taube, all of Manchester, and Miriam Goldberg of Berlin.

As guests of Senator Cheney, Miss Fanning, teacher with class from Rundlett Junior High School of Concord.

As guests of Senator Lamontagne, group of Patrol members of the Brown School of Berlin; Captain Peter Smith, Lt. Charles Aysh, under the supervision of Roland Collins. In the gallery, the parents, and the pupils of the Brown School.

### House Message

#### Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 149, relative to the salary of the justice of the Dover municipal court.

HB 204, relating to banks and building and loan associations.

HB 373, making appropriations for the expenses of certain departments of the state for the year ending June 30, 1962.

HB 374, making appropriations for the expenses of certain departments of the state for the year ending June 30, 1963.

The House has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

HB 331, relative to administration of small estates.

The House has voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 39, relative to superstructures over highways in cities and towns.

The House has voted to accede to the request of the Senate for a Committee of Conference on the following entitled bill:

SB 3, relative to protection at railroad crossings.

The Speaker has appointed as Conferees on the part of the House, Messrs. Claflin of Wolfeboro; Blake of Madison; and McGee of Lincoln.

The House concurs with the Honorable Senate in the passage of the following entitled bill, with amendment, in the passage of which amendment the House asks the concurrence of the Honorable Senate:

SB 100, relative to notice of cutting and report of cut under the so-called timber tax law.

Amend the bill by striking out section 3.

Further amend said bill by renumbering sections 4 and 5 to read 3 and 4.

On motion of Senator Monahan, the Senate voted to concur in the adoption of the amendment to the above entitled bill.

### **Read and Referred**

To the Committee on Judiciary:

HB 149, relative to the salary of the justice of the Dover municipal court.

To the Committee on Banks & Insurance:

HB 204, relating to banks and building and loan associations.

To the Committee on Finance:

HB 373, making appropriations for the expenses of certain department of the state for the year ending June 30, 1962.

HB 374, making appropriations for the expenses of certain departments of the state for the year ending June 30, 1963.

### **Introduction, First & Second Reading of Senate Bills**

SB 125, legalizing the organization meeting and first annual meeting of the Monadnock Regional School District. (English) To the Committee on Education.

On motion of Senator English, the printing of the above bill was dispensed with.

SB 126, for the encouraging of community colleges. (English) To the Committee on Education.

SB 127, providing for the removal of names from checklists in certain cases. (Cleveland) To the Committee on Judiciary.

SB 124, to validate the annual meeting of Allenstown School District. (Bunten)

On motion of Senator Bunten, the printing of the above bill was dispensed with.

Senator Cleveland moved that the above entitled bill be put on its third reading and final passage at the present time and spoke in favor of the motion: "Mr. President, it is my understanding that this is one of those simple bills that calls for legalization of a meeting. The meeting was held on a Sunday. No controversy and I have no strong feeling on the matter."

The President stated that the above was true; the only thing being that it was a Sunday meeting.

At the request of Senator Daniel, the Clerk read the bill.

Senator Daniel stated that if it is only a technical bill, he would raise no objection.

Senator Bunten: "Mr. President, no objection raised in any way with the exception that the bonding company who feels that they cannot bond anything that is passed on Sunday and they have asked that the meeting be legalized before issuing the bonds."

On a *viva voce* vote, the bill was ordered to a third reading and final passage at the present time.

### **Third Reading & Final Passage of Bill**

SB 124, to validate the annual meeting of Allenstown School District.

### Committee Reports

Senator McMeekin, for the Committee on Ways & Means:

HB 314, repealing the taxation of domestic rabbits. Inexpedient to legislate.

Senator McMeekin: "Mr. President, we have three bills that are all practically the same; repealing the tax on domestic rabbits; exempting oxen from taxation; and repealing the taxation of sheep, goats and hogs. The explanation for one is the explanation for all three. One of the arguments presented in favor of the bills was that there were not too many of these animals in the state anyway, and it was a considerable job for the selectmen to make out the records. The selectmen in my town did not want any of these bills — they wanted them all repealed. They are not now a great number at the present, but they may be in the future."

The recommendation of the Committee, Inexpedient to legislate, was adopted.

Senator McMeekin, for the Committee on Ways & Means:

HB 316, exempting oxen from taxation. Inexpedient to legislate.

The recommendation of the Committee was adopted.

Senator McMeekin, for the Committee on Ways & Means:

HB 319, repealing the taxation of sheep, goats and hogs. Inexpedient to legislate.

The recommendation of the Committee was adopted.

Senator Cleveland, for the Committee on Judiciary:

SB 95, requiring an executor to execute and record a deed of bequeathed property. Recommend its referral to the Judicial Council.

Senator Cleveland: "Mr. President, my remarks in connection with this bill will also pertain to SB 96, to require notation of line agreements, the next bill to be considered. Both of these bills were introduced by people interested in simplifying the matter of checking title. At the public hearing, their ideas although well founded, led to complications. The Judicial Council has previously considered similar legislation. We

discussed this with the Judicial Council and they were agreeable to giving it further consideration. The Committee decided to refer both of these bills to the Judicial Council."

On a *viva voce* vote, the recommendation of the Committee was adopted.

Senator Cleveland, for the Committee on Judiciary:

SB 96, to require notation of line agreements. Recommend its referral to the Judicial Council.

On a *viva voce* vote, the recommendation of the Committee was adopted.

Senator English, for the Committee on Judiciary:

HB 8, increasing the salary of the Grafton county attorney. Ought to pass.

Senator Cleveland: "Mr. President, this is a self explanatory title and no one appeared in opposition at the hearing. The increase appeared to be modest."

Senator Monahan: "Mr. President, the Grafton County delegation considered this matter and they are in favor. I have discussed this with other attorneys and we feel that this increase is justified."

The bill was ordered to a third reading.

Senator Cleveland, for the Committee on Judiciary:

HB 234, prohibiting solicitations from candidates for election. Ought to pass.

Senator Lamontagne: "Mr. President, the law which was on the books from 1910-1955 has stood the test of time and had been working well. In 1955 the law was changed and in doing so this paragraph was lost, automatically repealing the election law. In 1957 no one realized that the law was on the books, but in 1959 some did and used these contributions.

"The purpose of HB 234 as it reads is to protect our candidates from solicitation because of their office. The House Judiciary Committee made the following admendment: In line 10 of the printed copy the words " or county office" were added; in Line 11 the words, "business organization, agricultural organization, veterans organization and religious organ-

ization", were added. In line 17 of the printed copy, after the word "candidate", the word "official" was added; in lines 18 and 19 the words "any candidate or committee or" were deleted.

"In other words, the intent of this bill is to restore to the law what we had had for forty-five years.

"The amendment is approved by the Sponsor."

The bill was ordered to a third reading.

Senator Cleveland, for the Committee on Judiciary:

HB 138, relating to fees for copies of certificates and minor technical corrections in the Uniform Commercial Code. Ought to pass with amendment.

Amend paragraph IX as inserted by section 1 of the bill by striking out the word "financial" in the ninth line and inserting in place thereof the word, financing, so that said paragraph as amended shall read as follows:

IX Amend paragraph (1) of section 9-402, Chapter 9, Part 4, by inserting after the word "concerned" in the tenth line the words, and the name of the known record owner thereof, so that said paragraph as amended shall read as follows: (1) A financing statement is sufficient if it is signed by the debtor and the secured party, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types, or describing the items, of collateral. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. When the financing statement covers crops growing or to be grown or goods which are or are to become fixtures, the statement must also contain a description of the real estate concerned and the name of the known record owner thereof. A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by both parties.

Further amend section 1 of said bill by inserting after paragraph XIII the following new paragraph:

XIV Amend section 4 of RSA 382-A, the Uniform Commercial Code as enacted by the Session of 1959, by striking out the same and inserting in place thereof the following:

382-A:4 Transactions Before Effective Date of This Act. (a) Transactions validly entered into before the effective date of this act and the rights, duties and interests flowing from them remain valid thereafter and may be terminated, completed, consummated or enforced as required or permitted by any statute or other law amended or repealed by this act as though such repeal or amendment had not occurred.

(b) A chattel mortgage which is filed before July 1, 1961, as provided in RSA 360 or a conditional sale which is filed before July 1, 1961, as provided under RSA 361 need not be refiled under the provisions of the Article on Secured Transactions (Article 9) of this act.

(c) A statement of trust receipt financing which is filed before July 1, 1961, as provided in RSA 445 need not be refiled under the provisions of the Article on Secured Transactions (Article 9) of this act with respect to any trust receipt transaction, as defined in RSA 445, under which the entruster has acquired a security interest before July 1, 1961.

(d) A notice of a factor's lien on merchandise or accounts receivable which is filed before July 1, 1961, as provided in RSA 446, need not be refiled under the provisions of the Article on Secured Transactions (Article 9) of this act with respect to any lien which such factor may be entitled to claim before July 1, 1961, under RSA 446.

(e) The assignment of an account which is subject to RSA 333 and which is made before July 1, 1961, shall continue to be valid as provided in RSA 333, without compliance with the filing provisions of the Article on Secured Transactions (Article 9) of this act.

(f) Any assignment of an account, contract right, chattel paper, or general intangible, (not subject to RSA 333), which is valid at common law and which is made before July 1, 1961, shall continue to be valid to the same extent as before, without compliance with the filing provisions of the Article on Secured Transactions (Article 9) of this act.

(g) The Article on Secured Transactions (Article 9) of this act governs the validity and perfection of any transaction occurring on and after July 1, 1961, which would previously have been included in any of the classes of transactions described in paragraphs (b) to (f) inclusive, of this section.



(h) A financing statement which contains the information required by section 9-402 of the Article on Secured Transactions (Article 9) of this act may be filed on or after July 1, 1961, in the place specified for filing in section 9-401 of the same Article, with respect to transactions taking place before July 1, 1961. If a security interest arising from any such transaction was perfected under the law applicable thereto, filing under this act continues the perfected status of the interest. If any such interest was not perfected under applicable law, filing under this act perfects the interest from the time of filing.

On motion of Senator Cleveland, the reading of the amendment was dispensed with and he explained: "Mr. President, this amendment is very long and detailed and complicated. The only thing done by this amendment is to make it clear that when this Uniform Commercial Code becomes effective on July 1, 1961, security paper already recorded will still be in effect. It was to remove any doubt and to prevent the feeling that everybody had to re-record their loans, chattel mortgages, etc. on July 1, 1961, that this amendment was adopted. This makes it clear that all loans effective will remain effective."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senators Buckley and Cheney, for the Joint Committee of Finance and Executive Dept., Municipal & County Government:

SB 102, establishing a division of boards and commissions within the department of administration and control. Ought to pass with amendment.

Amend SB 102 by striking out the word "secretary" in every place in said bill where the words "secretary of boards and commissions" appears and substituting in place thereof the word, clerk, so that said words shall read, clerk of boards and commissions.

Further amend said bill by striking out in section 3 thereof the third paragraph thereof and inserting in place thereof the following paragraph:

8:51 Clerk of Boards and of Commissions. There is hereby established a classified position of "clerk of boards and commissions" with labor grade 15, salary range \$4020.00-\$4900.00,

who shall be appointed in accordance with the regulations of the personnel commission. The secretary "Clerk IV" of the barber's and hairdresser's board in office on the effective date of this act shall continue in office of clerk of boards and commissions subject to the provisions of this act.

Further amend said bill by striking out in section 3 thereof subparagraph I of paragraph four thereof, and substituting in place thereof the following:

I Furnish secretarial service to boards and commissions upon request including but not limited to attendance by the clerk at regular and special meetings, taking of minutes, preparation and mailing of notices and such other secretarial services as shall be from time to time requested of the clerk by any board or commission. So far as practicable each board and commission shall accommodate the request of the clerk that its registration dates be changed to effect an even distribution of secretarial work load throughout the year. In the event that two or more boards or commissions have need and make request for secretarial services at the same time it shall be the duty of the clerk to furnish such services and for these purposes the comptroller is hereby authorized to make available additional personnel to the clerk as required. Provided, however, that each board and commission may at any regular or special meeting elect a secretary pro tem for the taking of minutes of such meetings. In such event it shall be the duty of the secretary pro tem as soon as practicable thereafter, subject to the provisions of section 53 of this chapter, to forward the minutes to the clerk of boards and commissions for typing and distribution. Each board and commission may, in its discretion, designate one or more of its members as secretary for purposes of national accreditation. Nothing herein shall be construed to prohibit a member so designated from also acting as secretary pro tem within the authority of this subsection.

Further amend said bill by inserting at the end of paragraph five of section 3 thereof the following new sentence, each board and commission may retain in its custody and possession such records as it determines relate to character and personal reputation of a confidential nature, to which the clerk of boards and commissions shall have access at all reasonable times, so that said paragraph as amended shall read as follows:

8:53 Confidential Records. Unless otherwise specifically required herein or by other provision of the statutes, the clerk of boards and commissions shall adhere to the policy established by each board and commission with respect to publication of its records. Nothing in this chapter shall be construed to authorize the clerk of boards and commissions to communicate to any other board or commission, or person, any information of a confidential nature disclosed to him in the performance of duties hereunder except as he may be so authorized by a board or commission concerned. Each board and commission may retain in its custody and possession such records as it determines relate to character and personal reputation of a confidential nature, to which the clerk of boards and commissions shall have access at all reasonable times.

Further amend said bill by in paragraph seven of section 3 thereof inserting after the word "inspections" in line four thereof the following, or the holding of hearings concerning the professional conduct of licensees.

Further amend said bill by striking out in paragraph seven of section 3 thereof in lines five and six the words "when engaged in such functions each member shall receive a per diem of sixteen dollars per day." and inserting in place thereof the following, when engaged in such functions a reasonable sum not exceeding sixteen dollars per day may be paid to the member or members conducting such examinations or inspections, so that said paragraph as amended shall read as follows:

8:55 Compensation; Funds. Notwithstanding any other provision of law, there shall be no per diem allowance for the member of any board or commission except when such member is employed in the preparation or administration of examinations and/or inspections, or the holding of hearings concerning professional conduct of licensees. When engaged in such functions a reasonable sum not exceeding \$16 per day may be paid to the member or members conducting such examination or inspections. Provided, however, that all board and commission members shall be entitled to receive traveling and other necessary expenses whenever employed on required board or commission activities. All funds of all boards and commissions shall be received and payable to the state treasurer as general fund revenue. The clerk of boards and commissions shall prepare and maintain a currently accurate record of revenue received

and so deposited with the state treasurer by each respective board and commission. Each board and commission shall submit its budget for succeeding fiscal years to the clerk of boards and commissions who shall in turn consolidate said budget as a single aggregate budget for the division of boards and commissions which shall in turn constitute a part of the budget of the department of administration and control.

Further amend said bill by inserting at the end of paragraph eight of section 3 thereof the following sentence, unforeseen expenditures of a board or commission for investigations and hearings on charges of improper or illegal conduct of licensees may with the approval of the governor and council be a charge upon the Emergency Fund, so that said paragraph as amended shall read as follows:

8:56 Division of Boards and Commissions, Proration of Expenditures. Appropriations and expenditures for the division of boards and commissions shall be pro rated among the participating boards and commissions specified in section 58 in proportion to the number of registrations and/or licenses issued by each board as it compares to the total number of registrations and/or licenses as issued in total by all boards contained in this division. In the event receipts for a board or commission exceed revenue estimates upon which appropriations for such board or commission's current fiscal year were based, each such board and commission may apply to governor and council for approval of expenditures of funds in excess of said revenue estimates. Governor and council approval may be granted with respect to any such request but not in excess of actual receipts and upon such approval said expenditures shall be a charge upon general funds not otherwise appropriated. Unforeseen expenditures of a board or commission for investigations and hearings on charges of improper or illegal conduct of licensees may with the approval of the governor and council be a charge upon the Emergency Fund.

Further amend said bill by inserting in section 22, line three thereof after the word "All" the word, original, so that said section as amended shall read as follows:

22 Signatures. Amend RSA 317:9 by striking out the words "and secretary-treasurer" at the end thereof, so that said section as amended shall read as follows:

317:9 Licenses. All original licenses issued by the said board shall be signed by all the members thereof and attested by its president.

Further amend said bill by inserting in section 49 after the word "president" in line six thereof, a comma, so that said section as amended shall read as follows:

49 Signatures. Amend RSA 332:11 by inserting after the word "secretary" in the third line thereof the words, of boards and commissions, so that said section as amended shall read as follows:

332:11 Licenses. If such examination is passed to the satisfaction of the board it shall issue to such applicant a license signed by the president, and clerk of boards and commissions, and such license shall state the degree that has been conferred upon the licensee.

Further amend said bill by striking out in section 54 thereof lines five through nineteen inclusive and inserting in place thereof the following, Clerk of Boards and Commissions Labor grade 15 \$4,580.66 Additional secretarial asst. 2,747.16 Travel 750.00 Equipment 500.00 Current expenses 500.00 Total \$9,077.32 and for the fiscal year ending June 30, 1963 for the division of boards and commissions there is hereby appropriated: Clerk of Boards and Commissions Labor grade 15 \$4,860.12 Additional secretarial asst. 2,747.16 Travel 750.00 Equipment 500.00 Current Expenses 500.00 Total \$9,357.28, so that said section as amended shall read as follows:

54 Appropriation. In addition to any other appropriations for the department of administration and control there is hereby appropriated for the fiscal year ending June 30, 1962, for the division of boards and commissions:

Clerk of Boards and Commissions

Labor grade 15	\$4,580.66
Additional secretarial asst.	2,747.16
Travel	750.00
Equipment	500.00
Current expenses	500.00
Total	<hr/> \$9,077.32

and for the fiscal year ending June 30, 1963 for the division of boards and commissions there is hereby appropriated:

Clerk of Boards and Commissions

Labor grade 15	\$4,860.12
Additional secretarial asst.	2,747.16
Travel	750.00
Equipment	500.00
Current expenses	500.00
	<hr/>
Total	\$9,357.28

Further amend said bill by striking out section 57 thereof and inserting in place thereof the following: 57 Takes Effect. The governor is authorized to issue a proclamation setting a time when said provisions shall take effect, provided that if such proclamation is not issued for an effective date prior to July 1, 1962, this act shall take effect as of that date.

Senator Lamontagne presiding.

On motion of Senator Buckley, the reading of the amendments was dispensed with.

Senator Buckley: "Mr. President, the committee has worked many hours on this bill. We have endeavored to amend this bill to conform to the desires of all Boards concerned without destroying the intent or the value of the bill. Three most numerous and universal objections were:

"First: That the Boards were not allowed a secretary. This we have remedied, by the amendment on Page 3 line 39.

"Second: Objections were voiced that many boards have records of a confidential nature that they felt should be kept by the Boards concerned. The following amendment on Page 5 after line 90, permits Boards to retain any records which they desire confidential.

"Third: The proration of funds, has been an item of considerable concern. The Proration of funds as described on Page 6 line 127 means that the expenses of the clerk and assistant of the Division of Boards and Commission shall be prorated as to the amount of work involved by the Board concerned. All other expenditures will be prorated with regard to the requests of the several Boards taking into consideration the



amount of work involved, the physical aspects, also, State and National recognition necessary to properly carry out the functions of the Board or Commission concerned. Further provisions are supplied by amendment after line 144 Page 7, providing for unforeseen expenditures resulting from investigation and hearing an illegal conduct of licenses. This shall be a charge on the emergency fund by approval of Governor and council.

“Purposes — To establish within the Department of Administration and Control consolidated information on fifteen boards and commissions by establishing a Division of Boards and Commissions with a position of clerk of Boards and Commissions. The clerk will assimilate information pertinent to each Board or Commission that would be available to any interested party at any reasonable time. The clerk will have available for the Department of Administration and Control all budgets at such time as the Department of Administration and Control may require them. Nothing in this act shall alter or obstruct the normal or present function of any Board or Commission, the methods of licensing and examinations, and the conduct of all licensees are left entirely with the Board concerned. In future budgets the fee schedules for each Board and Commission will be established at a rate to cover the expenses of each Board or Commission and the administrative and clerical costs of the Division of Boards and Commissions. Provisions are also included for unforeseen or unanticipated expenditures. All information of a confidential nature concerning applicants for licensing may be retained by the Boards concerned at their discretion.

“In summary, this act establishes a bureau of information at one central location in State government for any access to any citizen interested in one or more Boards or Commissions. It relieves many Boards of secretarial duties not pertinent to the technical aspects of the Boards. As these secretaries are often personal secretaries of one of the Board members and busy with other duties, correspondence is sometimes delayed. The clerk of Boards and Commissions will alleviate this unavoidable delay and expense, also some of the cost of secretarial service to the Boards concerned.

“Budgetary controls will be vested in the State department established for this purpose, namely, the Department of Ad-

ministration and Control. This will eliminate a necessity for fifteen Boards submitting separate budgets as this will be handled by the Department of Administration and Control considering the requests of the Boards concerned with the supervision of the clerk of Boards and commissions.

Boards and Commissions page 7

Page 8 State Athletic commission

Page 9 Board of Accountancy

Page 11 State Board of registration of architects.

Page 12 Barbers examining and licensing board.

Page 14 Board of registration of hairdressers.

Page 15 State Board of examiners in chiropody.

Page 16 Board of chiropractic examiners.

Page 17 State dental Board.

Page 19 Commission of pharmacy and practical chemistry.

Page 20 State board of Registration for professional engineers.

Page 26 State Board of Registration of Funeral Directors and embalmers.

Page 29 State Board of Registration in Optometry.

Page 32 Board of Registration in Medicine.  
Board of Examiners of Psychologists.

Page 33 Board of Veterinary examiners.

"The majority of the Joint Committee of Finance and Executive Department feel that this merger bill merits the approval of the Senate and recommend it as ought to pass with amendment."

Senator English inquired of Senator Buckley: "As I understand it, there will be a Clerk in the State House or Annex?"

Senator Buckley replied in the affirmative.

Senator English inquired: "What if this Clerk is ill or away? Was that matter considered?"



Senator Buckley: "We have an amendment written into the bill providing for assistance; not necessarily full time, but may be part time or on a temporary basis."

Senator Dunlap inquired: "How much more does the Committee feel this will cost than the way the matter is being handled presently?"

Senator Buckley: "Not any more."

Senator Dunlap: "The record of the hearing shows that an overwhelming number of people affected by the bill — members of the Boards and Commissions — appeared to be opposed to this. If more efficiency is going to develop, how is it that ten opposed and only two were in favor?"

Senator Buckley: "The opposition was mostly on the pro rata. They have \$22,000 of non-lapsing funds. I believe that we have taken care of that. They may apply to the Governor for emergency funds. These funds will not be taken away from them before July 1, 1963."

Senator Green presiding.

Senator Dunlap: "Mr. President, I will speak briefly on this bill. Obviously, the Senator has indicated that the main reason for this legislation being recommended is that it gives more authority to the executive, or the department of administration and control, which is the executive. The funds will be spent with the close scrutiny of the Governor and Council. There may be merit in this. The Senator from District 9 feels, however, that when you give someone a job to do, you give him some responsible tools to use. The record is full of evidence that these Boards and Commissions tend to spend less than their fees and donations provide. If this was to save money, it would have some merit that I could consider. I would hope that any member of the Senate before voting for this bill would stop and consider if it is good legislation."

Senator Drake presiding.

Senator Gardner: "Mr. President, I would like to state my reason for opposing SB 102.

1. I do not believe we should centralize any more of our state government than is necessary to operate efficiently and economically.

2. The state gives these boards identity and prestige. These are professional boards and are financed by receipts in the form of license, registration and renewal fees. They have lived within their income and the public interest is not being impaired by the existing set-up. No state money is involved, yet.

3. I do not believe any clerk no matter how good, even with temporary help can possibly carry out the duties spelled out under this bill and effectively serve 15 masters at the same time.

4. The boards are dedicated professional people performing their duties to protect the public. I do not think any administrator can improve on the way they operate, too much.

5. The biggest complaint from the comptroller was getting budgets in. I understand the Dept. of Adm. & Control conducts a school a day or two for heads of Depts. Why couldn't that be done for boards and commissions?

The Comptroller stated, "This is not a piece of legislation to save; it is merely for efficiency." I believe it will increase costs. When the cost is pro rated which board is going to bear the brunt of the expense?

Personally I would like to go along with the Administration on this bill. I have studied it and thought about it all weekend.

At the public hearing 10 registered against — 2 were for it and 2 had parts they did not like.

From the testimony I heard it would seem that the majority of boards are now being run harmoniously and efficiently.

I have not tried to influence any Senator to vote as I do. I cannot see what this bill could do other than cause confusion at added expense."

Senator Green: "I am in support of the amendment of the committee and in support of the amendment primarily for the interests of the public which seems to be forgotten. . . . The purpose of this bill is simply efficiency in government for the public interest."

(Discussion ensued)

Senator Cleveland: "I have no strong feelings about this bill, either for or against. I think there may be some merit. I think the Senator from the 9th District has a point. I would rise and take exception to the fact that neither in the remarks of Senators Buckley nor Green has the Senate yet heard any concrete evidence as to what is wrong with the present system. I think this is regrettable. I think we are entitled to have some examples before us."

Senator McMeekin: "I think most of us would agree with the Senator from the 6th District that the principal of having a centralized office has considerable merit and it was to that principal that she addressed herself and not to the merits of SB 102. Many questions have arisen in my mind that have not been answered. Two years ago, a similar bill was before us; that bill provided that all funds would go into the general fund, as does this one. That bill would have increased the revenue. The court said that was not constitutional. I am wondering now if the same thing might not be true because this bill puts all fees into the general fund. I have heard nothing said about the expenses or how much money will accrue. No one has yet made a complete explanation of the pro ratio of bill. There is so much in this bill that is completely ambiguous. . . . I would like to know the break down on the proportion."

Senator Battles: "I think there has been a lot of misunderstanding in this bill. This bill is an efficient service type of legislation. We are not changing anything so that the Legislature cannot pass on each individual Board and Commission. We are not changing anything so that the Board or Commission itself does not have its discretionary powers under this bill as it has at the present time. One of the things that has caused the problem is as the Senator from the 16th District has said, you cannot find out where you can contact any of these boards or commissions. I hate to think that everybody is going to have to carry a red book around with them. It was felt that this would go a long way in efficiency and for economy in the state of New Hampshire. For these reasons, I think the bill should be passed today."

Senator Green presiding.

Senator Sawyer: "Mr. President, as a member of a Board and as a Senator, I think perhaps I ought to vote. I wish to

state that this Committee has worked very diligently and I wish to commend the Chairman of the Committee, Senator Buckley. I would say that he has very nicely met every problem that I have brought up with a change or amendment which would probably take care of a lot of trouble that the original bill would have given us. We have the income from registrations like the other boards. That is keeping us about even. We may have to ask the Governor and Council for money at any time, but we have not had to for some time, but we cannot tell. Every year is an individual year. I appreciate the argument of the central office or source of information. I also feel that any Clerk put in there cannot properly do the work that this board does. The clerk can always be reached. The secretary will do the work. I dislike to take a position on this bill, but I think the decision of the Board of Medicine would rather go along as it has been going. I think this will cost us about \$10,000 a year more than now. I don't think these boards should be contributing fees to the State."

(Discussion ensued)

Question being on adoption of the amendment.

On this question, Senator Paquette requested a Division.

Eleven Senators having voted in the affirmative, and eight Senators having voted in the negative, the affirmative prevailed, and the amendment was adopted.

Question being: Shall the bill be ordered to a third reading.

On this question, Senator Dunlap demanded a Roll Call.

The Clerk proceeded to call the Roll.

The following named Senators voted in the affirmative: Senators Lamontagne, Phillips, Eaton, English, Holmes, Caron, Daniel, Bergeron, Dunnington, Buckley and Battles.

The following named Senators voted in the negative: Senators Drake, McMeekin, Sawyer, Monahan, Gardner, Cleveland, Dunlap, Paquette and Bunten.

Senator Cheney voting NO paired with Senator Provost voting YES.

Eleven Senators having voted in the affirmative, and nine Senators having voted in the negative, the affirmative prevailed, and the bill was ordered to a third reading.

### **Communication**

To the President of the Senate,  
The Honorable Senate  
and Attachés, —

Dear Fellow Members, — your expressions of sympathy and kind tributes to my husband have meant a great deal to me and my family.

Thank you for your kindnesses. Your friendship is what makes it so much easier to return to be with you again.

Most sincerely,

Marion Phillips

On motion of Senator Caron, the rules of the Senate were so far suspended as to make all business in order for this afternoon to be in order at the present time.

### **Afternoon Session**

#### **Third Reading and Final Passage of Bills**

SB 102, establishing a division of boards and commissions within the department of administration and control.

HB 8, increasing the salary of the Grafton County attorney.

HB 138, relating to fees for copies of certificates and minor technical corrections in the Uniform Commercial Code.

HB 234, prohibiting solicitation from candidates for election.

On motion of Senator Battles, the Senate refused to reconsider its vote whereby SB 102 passed.

On motion of Senator Paquette, the Senate adjourned at 12:55 o'clock, to meet tomorrow morning at 10 o'clock.

WEDNESDAY, April 26, 1961

The Senate met according to adjournment, at 10 o'clock.

Senator English, District No. 11, presiding as acting President of the Senate.

### Guests

As guests of Senator Lamontagne, Misses Betty Morin, Dianne Chalko, Linda Morin and Marsha Chalko, all students at Pembroke Elementary School.

As guests of Senators English and Holmes, Master Erwin D. Reynolds of Lyndeboro, whose grandfather Erwin Cummings, was a former Senator.

As guest of Senator Holmes, Mr. Daniel Brok.

As guests of Senator Eaton, Mr. Harvey Ring of Stoddard, and Master Thomas Eaton, son of the Senator.

As guests of Senator Caron, Misses Jean Gagnon, Janice Kearney, Marcia Dewyea, Anne Batchelder, Paulette Williams, Linda Durrell and Diane LaMarche, members of the Senior Class, Central High School, Manchester, with teacher Miss Katharine J. McLain.

As guests of Senator Holmes, Janice Weston, Gail Cadrain, Roger McEnnis, Daniel Marcum and Lawrence Lassins, members of the Civics class, Hollis, accompanied by Mrs. Boyd Weston of Hollis.

### House Message

Mr. President:

The House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 76, relative to taxation of corporation property.

SB 83, relative to tax assessments in unincorporated places.

The Message further stated that the House of Representatives refuses to concur with the Honorable Senate in the pas-

sage of the following entitled bill, sent down from the Honorable Senate:

SB 52, relating to the licensing of dogs.

The Message further stated that the House of Representatives has voted to adopt the amendment offered by the committee on Engrossed Bills, to the following House bill, in the adoption of which amendment the House of Representatives asks the concurrence of the Honorable Senate:

HB 332, relative to liability for violation of law of the road.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1 Law of the Road. Amend RSA 250:4 by striking out the word "ten" and inserting in place thereof the word, fifty, and by striking the words "but no such action for such damages shall be sustained unless begun within one year" so that said section as amended shall

On motion of Senator Monahan, the Senate voted to concur in the adoption of the amendment to the above entitled bill.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time.

### Afternoon Session

On motion of Senator Gardner, the Senate adjourned at 10:12 A.M.

THURSDAY, APRIL 27, 1961

The Senate met according to adjournment.

Senator Eaton, District No. 10, presiding as acting President of the Senate.

### Guests

As guests of Senator Dunlap, the 8th grade History classes of Rundlett Junior High School of Concord, in charge of Mrs. M. B. Chase.

As guests of Senator English, Mrs. Constance G. Desmarais, wife of Representative Desmarais of Jaffrey, Miss Donna L. Desmarais, Miss Kathie I. Desmarais, and Miss Linda A. Desmarais, all of Jaffrey.

As guests of Senator Eaton, Mrs. Ruth Higgins and Mrs. Marion Frazier, granddaughters of Ephraim Weston who served in the House of Representatives in 1925. Also, Miss Sandra Higgins, Miss Lou Ann Higgins, Miss Lynne Frazier, Miss Sara Lee Frazier and James Robinson, great grandchildren of Ephraim Weston.

As guests of Senator Lamontagne, Miss Nancy Lamontagne, daughter of the Senator, Miss Bonnie Dumont, daughter of Representative Raymond Dumont. Master Dana Flint of Elementary School, West Milan, and other members in the gallery.

As guests of Senator Drake, his wife, Mrs. Elaine Drake, and son Miles Drake.

As guests of Senator Holmes, Miss Susan Burns, Miss Cynthia Lappe, and Peter Joyce, all of Nashua.

As guests of Senator Daniel, his son Donald Charles, Junior at Bishop Bradley High School, Manchester, and Miss Linda Balboni, Junior at St. Joseph High School, Manchester.

As guests of Senator Caron, Mrs. Michael F. Lavery, Troop 318, Miss Irene Bolton, Troop 481, Mrs. Edna Boivin, Troop 334, Mrs. Therese McGuigan, Troop 334. These ladies are the Scout leaders from St. Raphael Parish in Manchester. The number of scouts in their charge is 46.



As the guest of Senator Battles, Coco Pratt of Brentwood.

As the guests of Senator Gardner, Mrs. Virginia Simond, Girl Scout and Brownies Leader; Mrs. Ruth Annis, Asst. Leader; and Mrs. Patricia Noyes, all of Troop 391, Belmont, together with the following Scouts: Amber Young, Cheryl Austin, Sandra Caswell, Jerry Murphy, Maureen Simond, Donna Strout, Pam Murphy, Colleen Murphy, Bonnie Bliss, Rita Brown, Gail Moynihan, Donna Simond, Faye Melanson, Brenda Reed, Linda Reed, Linda Annis, Vicky Sanborn and Andrea Roulx.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 24, to restrict outdoor advertising on the interstate highway system.

HB 311, to permit the waiver of hearings before the public utilities commission when all parties are in agreement.

HB 333, relating to appeals from municipal courts.

HB 356, pertaining to processed lobster meat.

HB 361, to provide for a maximum size for lobsters.

HB 362, to provide extra facility licenses for the sale of lobster meat.

The Message further stated that the House refuses to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 103, requiring earlier application of voters demanding insertion of an article in the warrant.

The Message further stated that the House has passed the following Concurrent Resolution, in the adoption of which it asks the concurrence of the Honorable Senate:

### Concurrent Resolution

with respect to the tenth amendment  
to the United States Constitution.

*Whereas*, the Tenth Amendment to the Constitution of the United States provides that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people; and

*Whereas*, a number of developments both legislative and judicial in recent years have tended to minimize the rightfully reserved powers of the states protected by the Tenth Amendment; and

*Whereas*, such responsible representatives as the judiciary of the several states at the conference of chief justices have expressed concern lest the powers and sovereignty of the various states be completely eroded through a process of federal judicial interpretation; and

*Whereas*, the general court of New Hampshire is greatly concerned by the erosion of state sovereignty through judicial interpretation and congressional inaction, which is nearing a point whereat the sovereignty and powers of the several states will have become so lessened as to render them mere provinces of an all-powerful federal government, contrary to the intent of the founding fathers, who were careful to provide in the Constitution of the United States that the powers not granted to the federal government were reserved to the states and to the people thereof; now, therefore be it

*Resolved*, that the general court of the state of New Hampshire calls upon both the Congress and the Supreme Court of the United States to so write and interpret the laws of the land as to preserve and protect the constitution of the United States, which reserves sovereign powers to the states and to the people thereof, having due regard for the fundamental juridical precept that changes in the constitution of the United States are lawfully required to take place by constitutional amendment and not by judicial interpretation; and be it further

*Resolved*, that the Secretary of State transmit copies of this Concurrent Resolution to Senators Styles Bridges and Norris Cotton of the Senate of the United States, and to Congressmen Chester Merrow and Perkins Bass of the national House of Representatives.

On motion of Senator English, the above Concurrent Resolution was referred to the Committee on Judiciary.

### **Read and Referred**

To the Committee on Resources, Recreation & Development:

HB 24, to restrict outdoor advertising on the interstate highway system.

To the Committee on Judiciary:

HB 311, to permit the waiver of hearings before the public utilities commission when all parties are in agreement.

HB 333, relating to appeals from municipal courts.

To the Committee on Fisheries & Game:

HB 356, pertaining to processed lobster meat.

HB 361, to provide for a maximum size for lobsters.

HB 362, to provide extra facility licenses for the sale of lobster meat.

### **Committee Reports**

#### **Report of Committee of Conference**

The Committee of Conference, to whom was referred HB 226, An Act providing for closed season on black bear, having considered the same, report the same with the recommendation that the House recede from its position of nonconcurrence in the adoption of the amendment offered by the Senate and that the Senate recede from its position in adopting its amendment, and that the Senate and House concur in the adoption of the following amendment:

Amend HB 226 by striking out all after the enacting clause and substituting in place thereof the following:

1 Open Season Established. Amend RSA 208 by adding at the end thereof the following new section: 208:22 Wild Black Bear. Wild black bear, outside of game preserves, may be taken and possessed from one-half hour before sunrise to one-half hour after sunset in all counties of the state from October 1 to December 10 provided that no bear shall be taken at any time on any island or in any waters or lakes or ponds. Wild black bear may be taken by the aid and use of dogs during the months of May, September and October with written permission of the director or his agents. Wild black bear may be taken by the aid

and use of dogs, firearms and by bow and arrow provided that no person shall take bear by the aid or use of a jack or artificial light, trap, snare, swivel, pivot or set gun or calibre .22 rimfire firearm unless otherwise provided. Any person who kills a wild bear as provided by this section shall report as outlined in RSA 470:1-a. Landowners, or their agents, shall be permitted to set traps for bear doing actual or substantial damage to property. Such trapping shall only be permitted after the director or his agents has been notified of damage and have investigated said complaint. The director or his agents may then issue a special permit for the use of traps. Said permit shall state the location of traps and the dates when trapping shall be allowed. Any traps set as hereinbefore described shall be arranged and set in accordance with RSA 210:15. The carcass of a bear legally taken and reported may be bought and sold. Live bear may not be offered for sale at any time unless by a person licensed so to do. Any person who violates any provision of this section shall be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

2 Amend RSA 466:33 (supp.) as amended by the laws of 1957, by striking out in line five thereof the words "bear or" so that said section as amended shall read as follows:

466:33 Dog at Large. It shall be unlawful for the owner or custodian of any self-hunting dog to permit such a dog to run at large in territory inhabited by game birds or quadrupeds, or on lands where sheep are pastured, between April first and September first of any year, provided that bobcat may be hunted between April first and June first with dogs under owner's control and supervision. Provided that any organized club may hold an American Kennel Club licensed or sanctioned field trial on game which is otherwise protected. Said club shall secure permission from the owner of the land on which said trial is to be held, and shall notify the director of the fish and game department, at least two weeks in advance, of the date and place of the trial. Whoever violates the provisions of this section shall be fined not more than twenty dollars.

3 Takes Effect. This act shall take effect October 1, 1961.

Tracy M. Spalding  
George L. Cheney  
Guy Fortier

Conferees on the part of the House

Arthur M. Drake  
Robert S. Monahan

Conferees on the part of the Senate

On motion of Senator Drake, the Senate voted to concur in the adoption of the Report of the Committee of Conference.

Senator Monahan: "Mr. President, in behalf of the Senators who participated yesterday in the activities, I wish to express thanks and appreciation to Senator Battles and through him to his constituents for the hospitality on their part. We were taken on a bus trip and visited the whole spread of the Hampton Beach area and also served a very delightful lobster stew, followed by an educational hour covering activities in that area."

Senator Battles: "Mr. President, at the request of Senator Cleveland, I wish to submit the final Report of the Committee established under SJR 1, relative to improving ski area facilities in New Hampshire, and request it be printed in the Journal and referred to the Committee on Resources, Recreation & Development.

The President referred the report to the Committee above, as requested.

On motion of Senator Sawyer, the Senate voted through the Clerk to send a note of thanks to President Johnson and his staff, and to the Selectmen of Hampton for the courtesies and hospitality shown the members of the Senate yesterday.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time, and when the Senate adjourns today, it be to meet next Tuesday morning at 11 o'clock.

### Afternoon Session

Senator Lamontagne, under personal privilege: "Mr. President, I have noticed in the paper that in Durham, a young man by the name of Scott took it upon himself to appeal to the police department for enforcement of the Civil Defense laws. Personally, I think that a lot of people throughout the State and our Nation do not realize how serious things are today. Certainly, I think that the request made by this young citizen

should be heeded and that the enforcers of the law should do something about it. I serve notice on this Senate assuming that these people and the request that has been made by this youngster are not heeded, I am going to introduce a resolution next Tuesday, asking for the enforcement of the law of the United States throughout the State of New Hampshire. I am hoping that it will not be necessary to do that. I hope that all the citizens of New Hampshire will obey the laws that we now have on the books."

On motion of Senator Monahan, the Senate adjourned at 12:02 o'clock.

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TUESDAY, MAY 2, 1961

The Senate met according to adjournment.

### **Leaves of Absence**

Senator Holmes was granted leave of absence for the week on account of important business.

Senator Humphreys was granted leave of absence for the week on account of illness.

### **Guests**

As guests of Senator Gardner, Helen Adams of Laconia and Alyce York of Concord.

As guests of Senator Paquette, Sacred Heart Academy, 9th Grade of Nashua, under the supervision of Brother Euclid S. C.

As guest of the Manchester delegation of the Senate, Miss Lucille Kelley of Manchester, assistant Executive Director of the Kennedy-for-President campaign.

As guests of Senator Buckley, Mr. and Mrs. Richard Buckley of Derry. Richard is the son of the Senator.

### **House Message**

Mr. President:

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

HB 411, relative to appointment of ballot inspectors in the city of Claremont.

The Message further stated that the House of Representatives has voted to adopt the report of the Committee of Conference on the following entitled bill:

HB 226, providing for closed season on black bear.

The Committee of Conference, to whom was referred HB 226, An Act providing for closed season on black bear, having considered the same, report the same with the recommendation that the House recede from its position of nonconcurrence in the adoption of the amendment offered by the Senate and that the Senate recede from its position in adopting its amendment, and that the Senate and House concur in the adoption of the following amendment:

Amend HB 226 by striking out all after the enacting clause and substituting in place thereof the following:

1 Open Season Established. Amend RSA 208 by adding at the end thereof the following new section: 208:22 Wild Black Bear. Wild black bear, outside of game preserves, may be taken and possessed from one-half hour before sunrise to one-half hour after sunset in all counties of the state from October 1 to December 10 provided that no bear shall be taken at any time on any island or in any waters or lakes or ponds. Wild black bear may be taken by the aid and use of dogs during the months of May, September and October with written permission of the director or his agents. Wild black bear may be taken by the aid and use of dogs, firearms and by bow and arrow provided that no person shall take bear by the aid or use of a jack or artificial light, trap, snare, swivel, pivot or set gun or calibre .22 rimfire firearm unless otherwise provided. Any person who kills a wild bear as provided by this section shall report as outlined in RSA 470:1-a. Landowners, or their agents, shall be permitted to set traps for bear doing actual or substantial damage to property. Such trapping shall only be permitted after the director or his agents has been notified of damage and have investigated said complaint. The director or his agents may then issue a special permit for the use of traps. Said permit shall state the location of traps and the dates when trapping shall be allowed. Any traps set as hereinbefore described shall be arranged and set in accordance with RSA 210:15. The carcass



of a bear legally taken and reported may be bought and sold. Live bear may not be offered for sale at any time unless by a person licensed so to do. Any person who violates any provision of this section shall be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

2 Amend RSA 466:33 (supp) as amended by the laws of 1957, by striking out in line five thereof the words "bear or" so that said section as amended shall read as follows:

466:33 Dog at Large. It shall be unlawful for the owner or custodian of any self-hunting dog to permit such a dog to run at large in territory inhabited by game birds or quadrupeds, or on lands where sheep are pastured, between April first and September first of any year, provided that bobcat may be hunted between April first and June first with dogs under owner's control and supervision. Provided that any organized club may hold an American Kennel Club licensed or sanctioned field trial on game which is otherwise protected. Said club shall secure permission from the owner of the land on which said trial is to be held, and shall notify the director of the fish and game department, at least two weeks in advance, of the date and place of the trial. Whoever violates the provisions of this section shall be fined not more than twenty dollars.

3 Takes Effect. This act shall take effect October 1, 1961.

Tracy M. Spalding  
George L. Cheney  
Guy Fortier

Conferees on the part of the House

Arthur M. Drake  
Robert S. Monahan

Conferees on the part of the Senate

### Read and Referred

To the Committee on Labor:

HB 411, relative to appointment of ballot inspectors in the city of Claremont.

### Introduction, First & Second Reading of Senate Bills

SB 128, relating to fire prevention in nursing homes. Lamontagne) To the Committee on Judiciary.



SB 129, relative to the department of employment security. (Battles & Caron) To the Committee on Executive Dept., Municipal & County Government.

SB 130, relative to notice to department of employment security of licensed employment offices. (Battles & Caron) To the Committee on Executive Dept., Municipal & County Government.

### Committee Reports

Senator Buckley, for the Committee on Executive Dept., Municipal & County Government:

HB 269, relative to financing industrial waste treatment facilities. Ought to pass.

Senator Buckley: "Mr. President, this bill was instigated to permit municipal communities to contribute to waste treatment facilities. Also, this would enable them to become eligible for federal aid. The Committee reported it as ought to pass."

Senator Monahan: "Mr. President: I am pleased the Committee on Executive Departments, Municipal and County Government has brought in an 'ought to pass' report on this HB 269 which provides a procedure for financing industrial waste treatment facilities.

"During my two sessions in the House Committee on Resources, Recreation and Development, which considered many bills affecting our water pollution control policy, I was impressed with the need for this kind of legislation.

"I am happy the House has already adopted it. I hope the Senate will do likewise."

The bill was ordered to a third reading.

Senator Buckley, for the Committee on Executive Dept., Municipal & County Government:

HB 352, relative to appeals for permanent state employees. Ought to pass.

Senator Buckley: "Mr. President, this bill only changes one word. It used to read 'any employee dismissed or demoted.' Now it reads, 'any permanent employee dismissed or demoted.' That is the only change and the committee recommends that the bill ought to pass."

The bill was ordered to a third reading.

Senator Monahan, for the Committee on Education:

HB 187, authorizing the establishment of an Interstate School District by Hanover, New Hampshire, and Norwich, Vermont. Ought to pass.

Senator English presiding.

Senator Monahan: "Mr. President: The able chairman of the Education Committee has asked me to explain this bill while she is unavoidably out of the state this week and also because I know something about its need.

"House Bill 187 authorizes the establishment of an interstate school district by Hanover, N. H. and Norwich, Vermont. It was heard by the committee on April 25. Three of the four Hanover Representatives who sponsored the bill spoke in its favor, as did the Commissioner of Education. There was no opposition.

"Mr. President: Very briefly, what this lengthy bill seeks to accomplish is to legalize an arrangement already acceptable to the school boards of Hanover and adjacent Norwich, which sends its high school students to Hanover with mutual advantages to both towns. The rub comes when our neighbor, Norwich, although paying tuition charges for its scholars on a cost-of-teaching basis cannot now legally assist Hanover in paying costs for capital improvements, partly necessary in order to accommodate the youngsters across the river.

"This bill has been prepared by competent counsel employed by the Hanover School Board. The Attorney General's office has given it the OK. Norwich, and the Vermont Commissioner of Education, are anxious to work out a long-time agreement with Hanover and New Hampshire, but cannot until this bill is passed.

"In 1959 we authorized with Chapter 256 negotiations between the two towns and the two states which resulted in this bill. This proposed compact is pioneer legislation in New Hampshire that will help these two interstate towns and may prove a model for other Connecticut Valley cities and towns confronted with the same problem.

"Assuming the Senate accepts the committee report, ratification by this session of the U. S. Congress is still needed, so I

hope the Senate will so act today, and the next hurdle can be attempted."

Senator McMeekin spoke in favor of the bill.

The bill was ordered to a third reading.

Senator Monahan, for the Committee on Resources, Recreation & Development:

HB 401, relative to cooperative arrangements between towns for public recreational facilities. Ought to pass.

Senator Monahan: "Mr. President: House bill 401 authorizes cooperative arrangements between towns to finance public recreational facilities. It was heard by your Committee on Resources, Recreation, & Development on April 27. There was no objection. The sponsors and several citizens spoke in its favor.

"The problem arises when several adjacent towns, notably in my own District where Bristol provides a fine community recreation program, cannot now legally contribute toward the cost of operating that program, according to the Tax Commission.

"This is purely permissive legislation. Each neighboring town may appropriate as much or as little as it cares to vote for helping to pay the cost of a cooperative recreational program, which may benefit the citizens of several towns.

"I urge adoption of the committee report 'ought to pass'."

The bill was ordered to a third reading.

The President in the Chair.

### Opinion of the Court

To the Honorable Senate:

The undersigned Justices of the Supreme Court submit the following answers to the questions contained in your resolution with reference to Senate Bill No. 1 entitled "An Act to provide partial relief for depositors in commercial account in Valley Trust Company."

The bill provides that after all expenses due to the liquidation of . . . commercial accounts" have been ascertained as

provided in section 1 the Bank Commissioner shall collect from each banking institution under his supervision (RSA 383:9) this amount prorated "in accordance with the proportion which its assets bear to the total assets of all such institutions. The assessment herein shall be in addition to any other assessments on account of examination and supervision of said banking institutions." S. 2. The amount so collected is to be paid to the depositors in the commercial account of the Valley Trust Company pro rata.

The State in the exercise of its police power has broad powers to enact protective legislation to regulate banks for the protection of its depositors. *Opinion of the Justices*, 102 N. H. 106; *Opinion of the Justices*, 102 N. H. 189.

Under existing law the expenses of liquidation of an insolvent bank are a charge upon its assets. RSA 395:12, 30. The proposed legislation would shift this burden from the Valley Trust Company to all of the banks of the state under the supervision of the Commissioner.

A comprehensive method for the taxation of banks is provided in RSA ch. 84. In addition to this tax, banks under the supervision of the Commissioner are assessed for the cost of examination of such banks. Laws 1959, chs. 268, 269. See note, RSA 383:11 (supp).

Under the provisions of Part I, Article 12, New Hampshire Constitution, every member of the community must contribute his share in the cost of the protection afforded by the State of his life, liberty and property. But this obligation extends no further than the payment of a just share. *Rollins v. Dover*, 93 N. H. 448.

The bill would select an arbitrary class of taxpayers to contribute to a single bank. This would place upon the contributing banks the unequal burden of paying more than their just share of governmental expense. *Morrison v. Manchester*, 58 N. H. 538; *Rollins v. Dover*, *supra*. In our opinion the bill would violate the Constitution and our answer to your first inquiry is "yes."

Your second inquiry is: "If the answer to question one is in the affirmative, would the answer be the same if the money for the purposes of the bill were taken from the general funds of the State?"

Our answer to this question is also "yes." This proposed change would appropriate public funds to reimburse private depositors for losses sustained and is violative of the constitutional provision against taxation for the aid of private parties. N. H. Const., Pt. II, *Art.* 5th. See *Opinion of the Justices*, 102 N. H. 189.

In light of the foregoing it logically follows that our answer to your third inquiry would also be yes, since the proposed amendment to RSA 395:12 provides that the expenses of liquidation of any bank shall be paid out of the general funds of the State rather than from the assets of the bank being liquidated. The suggested amendment of RSA 395:12 would accomplish by indirection what is sought to be accomplished by the proposal contained in your second question, since the payments proposed by the amendment would inure to the benefit of the depositors of the institution involved.

Frank R. Kenison  
Laurence I. Duncan  
Amos N. Blandin, Jr.  
Edward J. Lampron  
Stephen M. Wheeler

April 28, 1961

The President stated that he would refer the above Opinion of the Court to the Committee on Banks & Insurance.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills:

HB 164, relative to acquisition of land for propagation of game.

HB 196, relative to total population figure at Laconia State School.

HB 208, relating to revocation of hunting and fishing licenses.

SB 73, to change the personnel of the board of managers of the New Hampshire Soldiers' Home.

SB 65, providing that the state of New Hampshire may enter into a compact with any of the New England states to provide for the control, development and execution of programs of cooperation for the confinement, treatment and rehabilitation of offenders.

Robert S. Monahan  
For the Committee

### Committee Reports (Cont.)

Senator Drake, for the Committee on Fisheries & Game:

HB 63, providing one season for the taking of deer. Report in new title and new draft.

On motion of Senator Drake, the reading of the amendment was dispensed with and he explained:

"Mr President, Report of the Senate Fish and Game Committee relating to HB 63, An act establishing seasons for the taking of wild deer.

"The Committee on Fisheries and Game after careful consideration of the testimony given at the public hearing and much subsequent study voted to bring in HB 63 in new title and new draft, i.e. to establish seasons for the taking of wild deer. This was an unanimous vote of the committee.

"The seasons established by this bill and the reasons therefor are as follows: There will be an open season throughout the state from November 22nd to November 30th, inclusive. This would spread out the hunters over the long, critical Thanksgiving week end (four days), when there is the heaviest hunting pressure. This period would give our Conservation Officers, our law enforcement officers, and interested parties everywhere, an opportunity to observe what effect an open season would have on hunter dispersal and hunting pressure. Will our own hunters and the out-of-state hunters disperse or will they congregate in the southern district? Any conclusions without this actual experience would be purely guesswork, we believe. Evidence collected from this trial period could well either justify an open season statewide or a continuance of present division.

"The bill then establishes the so-called 'Mountain Line' from the Maine border through the highest land in the White Mountain National Forest along the Appalachian Trail to the vicinity of Kinsmans Notch. From that point, by further amend-

ment, we continued to keep the division line as inaccessible as possible by burying it in the highest land available, away from road networks, to a point on the Connecticut River halfway between Haverhill and North Haverhill. This 'Mountain line' creates a natural buffer zone for most of the cross-state division and will need a minimum of patrolling. Extra Conservation Department attention could thereby be given to cover the twelve or thirteen mile area from Kinsmans Notch to the Connecticut. This establishes a reasonably safe and clearly defined remote area line, where there is very little deer hunting. This line will be a division of the state on a climate line and not a geographic line as it is presently. We recognize the present line as inequitable and clearly in need of change. For instance, there are twenty one roads crossing or paralleling the present deer division line. The new proposed line has but eight roads crossing it, three of which are main highways through the Notches and not subject to hunting pressures. Route 112 crosses the line at Kinsmans Notch in sparsely populated area. Three minor roads, with sparse habitation cross the line between Long Pond and the Connecticut River. Route 10, running along the Connecticut River, is the only other road involved. It may logically be expected that there will be some small congestion along this area, but it should be controllable. As long as there is hunting and hunters, this condition will exist to some degree.

"The bill then establishes a season north of this line from November 1st to Nov. 20th, inclusive. (Open statewide from Nov. 22nd to Nov. 30th, inclusive). Then to be open south of the line from December 1st to Dec. 10th, inclusive. The Northern section, with a reasonably intact deer herd, will be materially helped in avoidance of overcrowding by both in-state and out-of-state hunters because all three of Maine's hunting zones will be open and Vermont will have its 16 day hunting period open. Both bordering states, with larger deer herds, will in effect be helping to control hunting pressures or over-concentration during this period. Thus when the Vermont season closes, New Hampshire will be opened statewide until the end of the month. When the Southern season opens for the first ten days of December, Massachusetts will be having its one week hunting season to help relieve the pressure from that direction. Connecticut will also be having its hunting season (from the first Saturday until the second Saturday). Thus only three days of hunting will remain in the southern section beyond our southern border states closing dates. This new



division will also give hunters a much larger area to spread out than formerly, and for a much shorter period of time.

"There have been accidents on division lines. There have been even more away from the division lines. We do not stop driving, or flying, or skiing because of accidents. A study of hunting accidents, both fatal and non-fatal, over the last few years has shown that in virtually every case, the biggest factor involved was just plain carelessness. Proper training in gun safety and a proper hunting attitude could well have prevented almost every accident. Perhaps examination before issuance of first license, particularly in the young, may be another valuable assist.

"If there were established a single season in this state, who would lose the most and would there be an even distribution of hunters. Since there has been an obvious majority that feel that the present twenty-one days was too long a hunting period in the South, we feel that thirty days in this same area is rather ridiculous. The size of the deer herd in the South could, in our opinion, do nothing but suffer further decimation. There must also enter here consideration of conflict with the deer season with the upland bird hunting season and the migratory bird season to some extent. Summer residents are still around, closing their homes for the winter. The farmers, with cattle still in pasture, and year end chores to finish must also be considered. The orchardists are still at work in late season projects and must be given consideration. There is also an honest and sincere question of fall foliage in the south, that could well cause additional hazard.

"In northern Coos, the Camp Owners and Guides are most directly affected by closing the early part of November, and to them the most important part of the season. They are already booked for most of the early November hunting with their regular clients. Many of these hunters have already indicated that they will cancel and go elsewhere if the 10th were the opening date. Over 90% of their clientele is from out-of-state. For all practical purpose, their hunting season is done by Thanksgiving, and only local hunters hunt thereafter. Some Owners even close their camps on this date. The added ten days in December, they are convinced, do nothing to make up the early November losses. They honestly feel that, under unfavorable weather conditions, December hunting would en-



danger the deer herd. We all realize the economic problems that are part and parcel of the North Country, our lack of industry and our dependence upon tourists, hunters and fishermen to supplement what, in many years, are meager earnings.

"Let us clearly face some economic facts. Recreation is the second largest industry in New Hampshire. We have advertised it, promoted it and benefitted by it. Much of our total business is pointed directly or indirectly to the tourist dollar. Let us examine hunters income, for instance. 67,500 New Hampshire hunters paid license fees of slightly over \$291,000. The out-of-state hunters at the same time (17,800 of them) paid over \$470,000. And this is only for licenses. The amounts of money spent in travel, taxes, meals, boarding, throughout the state by these people is an even larger amount.

"The Fisheries and Game Committee is charged with gathering and evaluating the facts and making a report for submission. There is no quick answer or magic formula. Many will be unhappy with this solution, but it is a compromise that everyone can live with. We feel it is the best possible solution now available.

"In conclusion, we have established what we believe to be a legitimate climate division line, clear and recognizable, with a natural neutral zone, which eliminates almost entirely any land-owner, home-owner or farmer problems. We have attempted to tie in our dates for hunting seasons with our bordering states seasons, to our best advantage. We have recognized the necessity of early hunting in the North and later hunting in the South. We have removed the present deer line on Grafton and Carroll County lines. It was a most unfortunate choice and should have been removed years ago. We feel that any other solution at this time of the deer season would not be in the public interest. This bill should be acceptable to all and the committee recommends its passage."

Senator Drake offered the following amendment to the amendment of the Committee:

The line for the division of the State for the purpose of taking wild deer is described as follows:

Beginning at a point on the Connecticut River one and one-half miles North, twelve degrees East of the bench mark at Haverhill and thence South, eighty degrees East true bearing

to a point on the Appalachian Mountain Trail in Kinsman's Notch, thence Northeasterly along said Appalachian Mountain Trail crossing U. S. Route 3 in Franconia Notch and continuing along said Appalachian Mountain Trail in a North and Easterly direction crossing U. S. Route 302 at Crawford Notch State Park, thence continuing along said Appalachian Mountain Trail in a Northeasterly direction to the Summit of Mt. Washington, thence Southerly along the Davis Path to the Glen Boulder Trail, and thence South and Easterly along the Glen Boulder Trail to the Glen Ellis Falls and thence Southerly along the Ellis River to the Coos—Carroll County line and thence Easterly along said County line to the State of Maine.

Senator Cleveland: "Mr. President, I would like to speak briefly on the bill. I would like to compliment the Senator from the 2nd District and his Committee on a fine presentation on what I believe is a workable compromise solution to an important problem. I think the plan of the Senator from the 2nd District and his Committee is one that meets with the approval of a majority of the people in my area and support the amended bill."

Senator English moved that the Senate go into a Committee of the Whole to further discuss the bill.

Senator Lamontagne spoke against the motion of Senator English: "I think in true fairness to the people we represent and others in my area, I certainly think this ought to be a matter of record. I don't think going into a Committee of the Whole would be fair."

Senator English: "In answer to Senator Lamontagne, I thought that after we had come to some conclusion, we would then go back in regular session."

Senator Monahan: "Mr. President, I oppose this pending motion. I think this is a matter of great public concern."

Senator Caron: "Mr. President, I see no reason to go into a Committee of the Whole. I agree with Senator Lamontagne that everything should be on the record."

Senator English withdrew his motion.

Senator Lamontagne: "Mr. President, I am in opposition to any amendment to this bill. I am in favor of the bill as it

was passed by the House. The Androscogin Fish & Game Club, the Groveton Fish & Game Club and many people who have made an appearance before the House and Senate Fish & Game Committees appeared in favor of the original bill." (Shows long list of names of those who appeared in favor of the bill as passed by the House.)

Senator Dunnington presiding.

Senator Lamontagne continued: "We also have the tapes taken of the hearing. Many spoke in favor of the bill for one season. The majority of the people in the north country realize that those in the southern part of the state are also interested in deer. Some may say that in the north country the deer herd is not healthy. I would have to deny this statement. Our deer herd is healthy. They feel in the northern part of the State, in the very near future, we would be facing the 'buck' law. The people are in opposition to the 'buck' law. The purpose of this would be to preserve the herd. The same problem would face those in the southern part of the state as in the northern part. We know that deer come from Maine and Vermont and from Canada to New Hampshire. It is the thinking of the people of the north country if we were to have at least two years to try it out, to have one season, this would be a great help to the deer herd in the southern part of the state. Our herd is healthy, but we have no shortage of hunters in the north country. Our woods are loaded with hunters. We do not wish to discourage out of state hunters from coming to New Hampshire. We want them to come to New Hampshire. The tourist business is one of the largest industries that we have in New Hampshire. We should give this a try for two years. If it does not prove to be good, it can be changed in two years. Let's have one season. Let's try it and if it is found that it does not work out, we can then change it. But let's give the majority of the people who appeared at these hearings what they want. I hope that this Senate will go along with the bill as it was passed by the House."

Senator Monahan: "Mr. President: I must rise in opposition to the amendment proposed by the Committee on Fisheries and Game and printed in the JOURNAL of April 26. I hope the Senate will reject that amendment and vote to concur with House Bill 63 providing for a single, state-wide deer-hunting season from November 10 to December 10.

"I regret opposing the chairman of that committee, because we usually agree on such matters, but this time I must support the House Bill, as it came to us with a significant 219-122 endorsement. There was no roll call, but I feel quite sure that every one of the twenty Representatives in the Fifth District voted for that bill. We have lived with a deer line — and we have worked in field and forest on both sides of such a deer line. We want no part of it and we don't wish to foist off on any other part of the state the problem we have endured in recent years.

"In fairness to the committee amendment, I should admit that the line it proposes is the most logical separation between early and later hunting, but my people don't approve of it, no matter where located.

"We have shifted deer lines back and forth on at least three different locations in recent years. Let us try for two years a single, state-wide season with no line. We can always change in 1963, if House Bill 63 doesn't stand up. If this amendment is approved here, a stalemate may well result in conference with the House. About half the present line stretches along the southern boundary of my District to the Town of Sanbornton in Belknap County. We know the problems of a deer line. We hope it can be eliminated entirely for a two-year trial period.

"Mr. President: I trust the amendment will be killed and that the bill, as approved by the House, will receive our concurrence here today."

Senator Philips: "Mr. President, I would like to say that I most heartily concur with the Senators from the 5th District and the 1st District. The opinions they have expressed have been the opinions such as my constituents in my area have expressed to me."

Senator Battles inquired of Senator Drake: "As I understand it, I would question why did you take hunting days away from the south and not from the north?"

Senator Drake: "We only took away two days from the south."

Senator Battles inquired: "Why did you change the hunting season so that in the south we would have hunting during the warmer season? We would have no chance to hunt with snow."

Senator Drake replied: "We thought we would be taking the first steps toward a one season. I believe that the south will get the majority of the hunting."

Senator Battles: "Mr. President, I plan to offer the following amendment to the amendment of the Committee:

Change the hunting date from November 15 to 21 for the north

November 22 to 30 for all over

From December 1 to 15 for the south

I think the south is entitled to some good time in which to hunt. I do not object to the overlapping of the deer season. One of the Fish & Game Clubs in my district has come out in favor of it. But I do think it is unfair to take away hunting days from the south. I am certainly not going to be for any bill that prohibits the hunting of deer in the southern part when there would be no snow."

Senator Caron: "Mr. President, I congratulate Senator Drake and the members of the Fish & Game Committee. I think they have worked endless hours and have brought in something much better than what the House sent us. I would tell the Senator from the 1st District that there were 320 sportsmen from Manchester and not one was in favor of the one season. In Manchester, out of 11 Fish & Game Clubs, not one Club has gone on record as favoring one season. We feel that we are the largest city in the state and some consideration should be given. I would go along with the Majority leader's suggestion."

Senator Buckley: "I think we have overlooked one segment of the hunting industry: those who hunt with dogs. Certainly those fellows pay just as much for a license as those who hunt deer. I cannot go along with the bill as passed by the house."

Senator McMeekin: "Mr. President, the part of the state in which I live, at least a vast majority are in favor of the one season. I don't think they would quibble too much as to the dates. If there was a desire to extend the dates, I would go along with it. The dividing line has always been a sore spot and always will be as long as it is there. I think only one season would seem to work very satisfactorily. The argument has been

that the season is different in Vermont. I don't think that is quite true. The season there is practically the same as in New Hampshire. Of course, I realize that Lake Champlain does influence and keep it warmer there, but that does not extend beyond the mountain range, I think if one season works in Vermont, it should work in New Hampshire."

Senator McMeekin pointed out the ambiguous wording in the amendment offered by the Committee.

Senator Drake stated that he believed the amendment was drawn in legal form but that a slight amendment might be necessary to clear up the meaning.

Senator English: "Like the other members, Mr. President, I have given a great deal of attention to this matter of the deer bill and have conferred with many people in different towns I represent. There is very nearly unanimous opinion that the season should not start before December 1st. However, there is a willingness to go along with a season starting the 22nd of November if the four days, Thursday, Friday, Saturday and Sunday, comprising the Thanksgiving week-end could be non-hunting days. I am not offering an amendment at this time, but I plan to if there appears majority support for a deer hunting season starting on the 22nd of November."

Senator Paquette: "Mr. President, there are many Senators not present. I would move to refer this back to the Committee."

Seconded by Senator Caron.

The President presiding.

Senator Battles: "I would support the motion to recommit to the Committee on Fisheries & Game. I think there is a tremendous amount of confusion. I think the matter can be ironed out to the satisfaction of both sides."

Senator Drake: "It is rather difficult to arrive at any conclusion as far as the north and south are concerned, or east and west. We have put long and hard study into this matter. But if a majority of my committee wish to do this, I will not oppose. I would ask a brief Recess in order that I may consult with my committee."

Senator Caron spoke in support of the motion to recommit.

(Recess)

The Senate reassembled.

Senator Drake: "Mr. President, the Committee on Fisheries & Game has no objection to the bill being recommitted to the Committee."

On a *viva voce* vote, the bill was recommitted to the Committee on Fisheries & Game.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time.

### Afternoon Session

#### Third Reading & Final Passage of Bills

HB 187, authorizing the establishment of an Interstate School District by Hanover, New Hampshire, and Norwich, Vermont.

HB 269, relative to financing industrial waste treatment facilities.

HB 352, relative to appeals for permanent state employees.

HB 401, relative to cooperative arrangements between towns for public recreational facilities.

Senator Lamontagne: "Mr. President, under personal privilege. Last Thursday, I brought up the matter of the enforcement of the Civil Defense laws. I would like to compliment the Attorney General's office and also Colonel Caswell of the State Police, and the local police in Durham as well as all the law enforcement officials. I think they did a fine job. I hesitate to mention this on this Senate floor, but I think the 18 individuals concerned are a disgrace to the state of New Hampshire. I would not ask the Senate to influence the judge to make a decision, but I rise in support of the enforcement of the Civil Defense laws. They should be complimented on the fine job they are doing in enforcing the Civil Defense laws."

On motion of Senator Paquette, the Senate adjourned at 1:07 P.M.



WEDNESDAY, MAY 3, 1961

The Senate met according to adjournment.

The President welcomed back to the Senate after a lengthy sickness, Senator Humphreys, District No. 24.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HB 89, relative to the standards for classification of surface water of the state.

HB 185, relative to the issuance of short term loans for highway purposes.

HB 388, adopting the uniform act on paternity.

HB 389, relating to acknowledgments by persons serving in armed forces or their dependents.

HB 409, relative to election of school district officers at town meeting.

HJR 17, in favor of Rita Collyer.

The Message further stated that the House has voted to concur with the Honorable Senate in the passage of the following entitled bill:

SB 105, relative to petitions for inquiry under the sexual psychopath act.

The Message further stated that the House refuses to concur with the Honorable Senate in the following entitled bill:

SB 10, relative to penalty for intimidation of state officials and employees.

### Read and Referred

To the Committee on Resources, Recreation & Development:

HB 89, relative to the standards for classification of surface water of the state.



To the Committee on Finance:

HB 185, relative to the issuance of short term loans for highway purposes.

HJR 17, in favor of Rita Collyer.

To the Committee on Judiciary:

HB 388, adopting the uniform act on paternity.

HB 389, relating to acknowledgments by persons serving in armed forces or their dependents.

HB 409, relative to election of school district officers at town meeting.

### **Introduction, First & Second Reading of Senate Bill**

SB 131, relating to stamps, coupons, tickets, certificates, cards or other similar devices. (Bergeron) To the Committee on Banks & Insurance.

The President declared a brief Recess.

(Recess)

The Senate reassembled.

### **Committee Reports**

Senator Dunlap, for the Committee on Banks & Insurance:

HB 117, relative to taxation of annuity premiums. Ought to pass.

Senator Dunlap: "Mr. President, the Committee on Banks & Insurance heard this bill. The proponents numbered the President of the United Life, Mr. Whiting; Mr. Reno, counsel for the United Life; and several other people who are engaged in the insurance industry. As the Senate is well aware, the Insurance Department receives a 2% tax on all premiums that are collected and paid within the State of New Hampshire. Recently, 10 years ago, the insurance industry embarked on a program of writing annuity contracts on an accumulative basis. Group insurance became more popular, to the point where today it is a pretty substantial part of the economy in New Hampshire. The reason that the bill was introduced, to eliminate the 2% tax on the gross direct premiums paid on such

annuity contracts, was to alleviate a situation which had encouraged much of this type of business to leave the State of New Hampshire. For example, the State Street Trust in Boston, and certain other institutions outside the State, which engaged in the writing of annuity contracts. They were able to eliminate the tax because the tax was not paid to a New Hampshire company or institution. There has been in the vicinity of some \$60,000 received from this source. 10 years ago, it was less than \$40,000. As of today, there has been received the high of \$66,000. Such companies as the Brown Company in Berlin, who pay a good one-fourth of the total of such tax because it has an annuity or pension program handled within the State by a local underwriter, would be hard put to recommend to its policyholders and its management that this was sound use of its annuity dollar. The Brown Company could eliminate payment of this tax by setting up what is called a trust account whereby the whole matter would be handled by the company with an underwriting relationship with some institution. If the company is large enough, this can be done. Unfortunately, most companies in New Hampshire would not have volume enough, would not have money enough, to make this trust type of annuity a local solution. What we are saying would be in effect that the small company or small pension plan is going to be penalized. The larger companies would be able to eliminate the tax simply by making a technical change in the method of underwriting this type of programing. The Committee felt that over the next 10 or 12 years it was very logical that we would lose a certain amount of this tax whereby we would have none left anyway. Companies not able to operate under the trust arrangement would be more likely to turn to some company not subject to the tax, such as a company in Boston, thereby using the total premium allocated, to be used for the benefit of the pensioner. It also seemed to the Committee that it was not reasonable to deprive local industrial companies by preventing them from writing this type of coverage. No thought or suggestion was given that we are attempting to eliminate the so-called life premium. A life contract, as the Senate well knows, deposits funds with the company and at a certain period of time, payment is made. The insurance companies do not make any plea for elimination on that type of contract. What is suggested is that this money being deposited, not be subject to tax, and the Committee, after hearing testi-

mony by Mr. Whiting of the United Life; Mr. Buchanan of the Connecticut Life; Mr. Rivers, general agent for one of the larger companies; Mr. Darling of the New Hampshire Manufacturers Association; and Mr. Reichert; all in favor and no one in opposition, voted unanimously that the bill ought to pass."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 149, relative to the salary of the justice and special justice of the Dover municipal court. Ought to pass.

Senator Dunnington: "Mr. President, I rise in support of this bill. Our Dover delegation held a very satisfactory meeting on this bill in Dover. All the testimony was in favor of the bill. No one appeared against the bill. It was quite apparent that due to our sizeable increase in population in the Dover area, plus the installation of the Pease Air Force Base, has added greatly to the work load of the Dover court. Everybody was in favor of this increase."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

SB 121, relative to the tattooing of minors. Ought to pass with amendment.

Amend said bill by inserting after the word "practice" in line seven thereof the words, medicine and surgery, so that said bill as amended shall read as follows:

1 Tattooing Minors. Amend RSA Chapter 571 by inserting after section 23 thereof the following new section: 571:24 Tattooing Minors. Any person who shall tattoo any minor under the age of eighteen years shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned not less than ten days nor more than six months, or both at the discretion of the court. This section shall not apply to any tattooing done by or under the direct supervision of and in the presence of a doctor licensed to practice medicine and surgery in this state.

Senator Sawyer: "Mr. President, this bill was brought in by the Senator from the 6th District. It had been brought to her attention that a young boy had returned home half tattooed.

The bill provided that it must be done under the supervision and in the presence of a doctor. The Committee felt that that opened it to a doctor of chiropractic, etc. They felt that this is a minor operation and that it should be supervised by a doctor licensed to operate and practice surgery, as covered by statute, cannot operate on a minor without the approval of the parent. Under these circumstances, no one will be doing this tattooing without the consent of the parents, before he takes the responsibility for such work. The result of such work, as was brought before the Committee very thoroughly, results in improper sterilization and infection. Therefore, the amendment provides that it must be done in the presence of a doctor registered in this state."

Senator Lamontagne: "Mr. President, this bill may sound to be minor, but it is not. I am in favor of the amendment and the bill. I have had experience with this sort of thing. When I was 17, I had some tattooing done and I nearly lost my arm. I think this is good legislation and should be adopted."

Senator Battles inquired of Senator Sawyer: "Did I understand you to say that this tattooing is considered to be a minor operation?"

Senator Sawyer: "Yes. It is a definition by profession and not by law."

Senator Gardner: "Mr. President, when an unusual bill is introduced it is generally the result of something out of the ordinary happening in some locality.

"In my area a minor spent the night away from home and returned with a tattoo mark. His father was very much disturbed, as any parent would be. The chief of police was consulted and it was found there was no law on the books to prevent a minor from submitting to a whim he might be sorry for later on in life.

"After considering bills from Rhode Island and New York this bill was drafted and was approved by the Gilford Chief of Police and a Laconia doctor.

"As has been stated by Dr. Sawyer, you all know a serious infection can result from unsterile instruments. In this case the point of a compass was used. Also, that infectious disease hepatitis can be transmitted.

"There is protection in this bill for physicians, as I understand there is an operation now where dye is injected under the skin to correct certain skin imperfections erroneously termed birthmarks.

"The amendment offered by the committee is acceptable."

On motion of Senator Gardner, the amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Monahan, for the Committee on Resources, Recreation & Development:

SB 101, prohibiting use of certain boats on Abbott Forest Pond in Stoddard. Ought to pass.

Senator Monahan: "Mr. President, although this is a local bill, sponsored by the Senator from the 10th District, it does have some state-wide application. Our power boats and out-board motor boats become faster and noisier, while our water areas remain the same in size. This pond is an artificial body of water. There seemed no reason why power boats should be needed on this body of water. Public Utilities Commission, under our present law, can regulate, but cannot prohibit. The owner of this lake believes the use of power boats should be prohibited. I know that 2 years ago, the House and Senate passed similar legislation relative to a lake in Greenfield. There was no opposition to this bill and the committee recommends that this bill ought to pass."

The bill was ordered to a third reading.

Senator Monahan, for the Committee on Engrossed Bills:

HB 269, relative to financial industrial waste treatment facilities. Under Joint Rule No. 6 with the following amendment:

Amend section 4 of said bill by inserting at the end thereof the words: Such drains and sewers shall be substantially constructed of brick, stone, cement or other material adapted to the purpose, and shall be the property of the city.

Senator Monahan: "Mr. President, I have checked into this error and am satisfied that it is a technical error. I have also checked with the sponsor of the bill and I have been assured

of the intent of the sponsor and that this error was unintentional."

On motion of Senator Monahan, the amendment was adopted.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills:

HB 8, increasing the salary of the Grafton county attorney.

HB 234, prohibiting solicitations from candidates for election.

HB 331, relative to administration of small estates.

HB 332, relative to liability for violation of law of the road.

SB 39, relative to superstructures over highways in cities and towns.

SB 100, relative to notice of cutting and report of cut under the so-called timber tax law.

HB 138, relating to fees for copies of certificates and minor technical corrections in the Uniform Commercial Code.

SB 76, relative to taxation of corporation property.

SB 83, relative to tax assessments in unincorporated places.

Marion L. Phillips  
For the Committee

The President recognized Senator Phillips: "Mr. President, for the last 20 years, we have lived under the cloud of destruction from the skies. Constantly changing face of international scene demands that the U. S. defense position be maintained at increased tempo of alertness. The Air Force Reserve is our first line of defense. The initial attack is not the deciding factor, but the nation that can follow through after initial attack will be the winner. Many Air Force bases will be destroyed or damaged so that aircraft will be unable to land at home stations, so dispersed flying fields capable of continuing war effort after major bases have been removed must be planned. I would like to refer to the Aircraft Recovery plan; covers two phases; the base support group, that is the group of the military that is to

be at a military installation. The second group is the recovery group, which must be at a civilian airfield. Having been very active with the American Red Cross group of 20 years ago, I have followed all these Civil Defense procedures with great interest. I would like to recommend to the Senate that they pursue the thought that the Lebanon Airport be used for the recovery base group for New Hampshire. I have been in contact with Senators Bridges and Cotton and Congressman Bass. They have indicated that this is probably a closed situation; that it will be considered in Washington and maybe Concord will be selected for this group with the Grenier airfield. Keep in mind that you will have two groups: the military and the reservist. There are figures that will tend to show that Concord should be the place for this recovery group, but they are using the figures of the problem, not as it is at present, but as brought up to date.

"The Revised Management Plan calls for the organization of Air Reserve Recovery Groups and Air Reserve Support Groups. Under present plans, the Base Support Groups must be located at existing Air Force Bases, and the Recovery Groups must be located at municipal airports or abandoned military air strips. The Recovery Groups cannot be located at active Air Force Bases. Also, the Individual Specialized Training Program, in which we are presently engaged, can be continued under the Recovery Group but not under the Base Support Group. General assignments for location of Base Support Groups and Recovery Groups are due to become effective on 1 July 1961.

"The Air Reservists in our Squadron, and other Air Reservists in the area, are anxious to have a Recovery Group located at the Lebanon Regional Airport. Lebanon Airport is the only airport in this immediate area that can meet the length of runway requirements. Lebanon has a 5500' runway and another one 4000' long. By comparison, Worcester, Massachusetts, which was selected as one of the six test site locations, has a 5500' runway and one 3750' in length.

"There are many reasons for locating a Recovery Group at Lebanon Airport. Some of them are:

- (a) This location would offer a more central site for Reservists on both sides of the Connecticut River Valley



to organize training locations for the many Reservists in our area.

- (b) Individual Specialized Training for those Reservists who cannot fill a Manning Table vacancy is permitted under the Recovery Group organization.
- (c) There would be more pay positions available which would allow more Reservists to be paid for their attendance at training periods. The indicated manning requirement for a Recovery Group Staff is about 42 officers and Airmen and each Recovery Squadron within the Recovery Group has a present manning requirement of 88 to 197 officers and airmen depending upon the facilities available at the Airport site. This could place several thousands of dollars in additional purchasing power each year into this area.
- (d) Each year, many millions of dollars of military equipment (it has been reported to be as much as \$3.5 Billion) is declared surplus by the Armed Forces. Some of this surplus equipment is now available to the Test Recovery Groups and steps are being taken to make such equipment more available. The advantages of having available on a civilian airport operational communications equipment, navigation aids, aircraft handling, and other aircraft logistic and support equipment can be readily seen. It could lead to a better development of airport facilities not only for the Lebanon Airport but other airports in the general area that may be selected as remote unit locations to the Group site location.
- (e) Another advantage to Lebanon is that it is relatively more remote from what may be considered as prime offensive target sites. This is a very important requirement to the fulfillment of the Recovery Group mission which is to recover abortive aircraft or aircraft returning from their mission that cannot, for one of several reasons, return to their home base.
- (f) The Lebanon area will be in close proximity to unusually good transportation facilities. A main line of the Boston and Maine and Canadian National Railroads services the area. Also, junctioning in this gen-



eral area will be two routes of the National Defense Interstate Highway System. Northeast Airlines provide scheduled commercial air transportation service for the entire general area.

- (g) The close proximity of the Lebanon location to Dartmouth College and Norwich University will make practical possible future arrangements with these schools for the use of some of their available facilities and would provide a source for noteworthy guest lecturers to augment the Reserve training program.
- (h) Two large, well equipped, and well staffed hospitals are in this area. They are the Mary Hitchcock Memorial Hospital in Hanover and the Veterans Administration Hospital in White River Jct. Good hospitals would be highly useful to the Recovery mission.
- (i) Air Reservists are eligible for military service retirement benefits. These benefits are contingent upon certain participation requirements. A unit location in this area would provide added opportunity for more Reservists to meet these requirements.

"This listing shows some of the considerable advantages that a Recovery Group located at Lebanon could provide toward the successful attainment of the Recovery Group mission and possible advantages to the general welfare of the area.

"It is our hope that you will energetically support and advance the location of a Recovery Group in this area."

Senator Monahan: "Mr. President, I wish to thank the Senator from the 8th District for calling this to our attention and to assure her that this is on the Agenda for next Monday's meeting. This will be considered. There seem to be many good reasons for going ahead and asking for consideration of the Lebanon airport."

On motion of Senator Daniel, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time.

### **Afternoon Session**

### **Third Reading and Final Passage of Bills**

SB 101, prohibiting use of certain boats on Abbott Forest Pond in Stoddard.

SB 121, relative to the tattooing of minors.

HB 117, relative to taxation of annuity premiums.

HB 149, relative to the salary of the justice and special justice of the Dover municipal court.

On motion of Senator Paquette, the Senate adjourned at 12 o'clock.

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THURSDAY, MAY 4, 1961

The Senate met according to adjournment.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bill and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HB 429, relative to representative town meeting government.

HJR 33, in favor of the estate of Herbert Andrew Willard.

The Message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 89, to amend the charter of Cheshire County Savings Bank.

### Read and Referred

To the Committee on Ways and Means:

HB 429, relative to representative town meeting government.

The following captioned joint resolution was read a first and second time:

HJR 33, in favor of the estate of Herbert Andrew Willard.

On motion of Senator Cheney, the rules of the Senate were suspended, referral to Committee dispensed with, and the joint resolution was placed on its third reading and final passage at the present time.

### **Third Reading and Final Passage of House Joint Resolution**

HJR 33, in favor of the estate of Herbert Andrew Willard.

#### **Resolution**

Senator Battles offered the following Resolution which was unanimously adopted:

*Whereas*, Senator Laurier Lamontagne as the Mayor of Berlin, New Hampshire has had a great deal of communication with residents of the City of Berlin, Germany; and

*Whereas*, in recognition of the good will which the action of Senator Lamontagne has generated between the citizens of Berlin, Germany and Berlin, New Hampshire, he has been invited by the Consular Service of the West German Government to visit West Germany this summer as the guest of and at the expense of the government of West Germany; and

*Whereas*, the Senator is planning to make said visit which will be of great value in cementing the friendship between our two nations;

*Now, Therefore, Be it Resolved*, That, his fellow Senators congratulate and commend Senator Lamontagne and wish him full success in his impending visit.

The President declared a brief Recess.

(Recess)

The Senate reassembled.

#### **Committee Reports**

Senator English, for the Committee on Claims:

SB 116, in favor of Milo H. Cheney. Ought to pass with amendment.

Amend section 1 of said bill by striking out the words "five hundred dollars" in line one thereof and inserting in place

thereof the words, three hundred twenty-eight dollars, so that said section as amended shall read as follows:

1 The sum of three hundred twenty-eight dollars is hereby appropriated to be paid to Milo H. Cheney of Wentworth, New Hampshire, to reimburse him for the cost of repairing the damage to his motor vehicle and the cost of medical and hospital expenses and to compensate him for loss of earnings incurred and sustained as a result of the collision of his car with a tree which had fallen across the traveled portion of the Sawyer Highway, so called, a state highway. The sum hereby appropriated shall be a charge upon the highway fund and shall be paid out of that fund.

Senator English: "Mr. President, the facts in this case are the following: Mr. Milo H. Cheney, while driving to work in a snow storm, ran into a tree which had fallen across and completely obstructed Sawyer highway. The tree in question had been marked for removal by the Highway Department along with other trees but the removal work had not been undertaken. Even with good visibility, which did not prevail, the maximum line of sight distance to the obstruction was only fifteen feet. This statement appears in the report of the Highway Department. Mr. Cheney severely damaged his car, fractured a rib, and sustained a rupture of the intestines and was unable to work for four weeks. Without going into details, the claimant did receive certain insurance coverage in connection with damage to his car and hospital expenses, but it left an amount of \$328 for which he had no compensation. The amendment offered by the Committee reduces the sum claimed from \$500 to \$328. The Committee found that extraordinary and unusual circumstances prevailed and unanimously was of the opinion that Mr. Cheney should be reimbursed from Highway funds."

The amendment was adopted, and the bill as amended was ordered to a third reading.

On motion of Senator English, the rules of the Senate were so far suspended as to dispense with referral of this small claim on the highway department to the Finance Committee and the bill was placed on its third reading and final passage at the present time.

### **Third Reading and Final Passage of Bill**

SB 116, in favor of Milo H. Cheney.

**Committee Report (continued)**

Senator Phillips, for the Committee on Judiciary:

SB 127, providing for the removal of names from check-lists in certain cases. Ought to pass with amendment.

Amend said bill by adding after the word "voted" in line four thereof the words, in person or by absentee ballot.

Further amend said bill by substituting the word, restored, for the word added in lines seven, nine, eleven and twelve thereof, so that said bill as amended shall read as follows:

1 Qualifications of Voters. Amend RSA 54 by inserting at the end thereof the following new sections: 54:13 Duty of Supervisors. At any session for the correction of the check-list the supervisors shall remove therefrom the name of any person who has not voted in person or by absentee ballot in said town in either local municipal election, primary or general election for a period of four consecutive years. The names of such voters as have been so removed shall not be again restored to the check-list in said town except as provided in the following section.

54:14 Names Restored. Any person whose name has been removed from the check-list as provided in section 13 shall be entitled to have his name restored to the check-list by appearing before the supervisors. Before the name shall be restored to the check-list the supervisors shall be satisfied that the person is still a legal resident of the town and entitled to vote therein.

2 Takes Effect. This act shall take effect as of January 1, 1962.

On motion of Senator Cleveland, the reading of the amendment was dispensed with and he explained: "Mr. President, I will explain the bill and the amendment at the same time because the amendment just clarifies the intent of the bill. Under the provisions of this bill, a person who does not vote in either a general election or a primary election for four straight years, his name will be removed from the check-list. The bill then goes on to say that they may have their name put back on the check-list upon request. Similar legislation has been passed in most other states. This is milder legislation because in some states, if you do not vote in one election your name is removed. The motive behind this is that the right to

vote is a very great privilege and all should make use of it. This will give the supervisors of the checklist another tool to remove names of people who are not around or not alive from the checklist. If they do not vote, the amendment simply makes clear that those voting may be either by personal vote or absentee ballot. That is the amendment."

Senator Drake inquired: "Would this in any way infringe upon the constitutional right of a person to vote? Is there any constitutionality involved in this?"

Senator Cleveland: "I don't think so. We have not taken away their right to vote."

On a *viva voce* vote, the amendment was adopted.

Senator Humphreys offered the following amendment:

Further amend section 1 of the bill by striking out in line 6 the word "four" and substituting in place thereof the word, three.

Senator Humphreys: "I believe that as the Senator from the 7th District states, in most other states that have these laws, they have one, two or three years. It is no small task for the supervisors to check back 4 years. I think that we are making it easier by making it three years instead of four years."

Senator Cleveland: "Mr. President, I have no objection to this amendment. It strikes me as being a sound amendment because all of the problems that the Committee discussed was the matter of supervisors keeping their records for four years. This would help that problem."

Senator Battles inquires: "Does this allow, after the name has been taken off, to have their name put back on election day?"

Senator Cleveland: "In my opinion, yes, but I will check the bill. The second section of the bill says that any person may have his name added before the supervisors. Before being restored, the supervisor will be satisfied that it the person is qualified to vote. It would be my opinion that their name could be put back on on election day. The intent of this bill is not meant to deprive anybody the right to vote."

(Discussion ensued)

Senator Eaton spoke in opposition to the proposed amendment, and stated that he was in favor of 4 year period.

Question being on adoption of amendment proposed by Senator Humphreys.

On a *viva voce* vote, the President was in doubt and requested a Division vote.

Ten Senators having voted in the affirmative, and eleven Senators having voted in the negative, the negative prevailed, and the amendment was not adopted.

On a *viva voce* vote, the bill was ordered to a third reading.

Senator Buckley moved that the Senate reconsider its vote whereby the following entitled bill was ordered to a third reading:

SB 116, in favor of Milo H. Cheney.

Senator Buckley: "Mr. President, I am a little concerned about doing something that establishes a precedent. If that does not do that, I would be in favor of it."

Senator Cleveland: "I would like to say this in regard to the apparent concern of the Senator from the 22nd District. The last session of the Legislature, we passed a bill that required the State to take down some of these trees along the road. We did it because many people who owned these trees would be the abutting land owner. I had two or three people in my district who if they had had to have these trees taken down it would have cost from \$300 to \$500 and they could not afford it. Prior to this legislation, it was my opinion, and that of some other attorneys, the land owner would be liable and he could have been sued. In fact, I think Mr. Cheney has a suit against the state. I thought that the Claims Committee acted quite properly. I do not think we are setting any precedent."

Senator English: "It is not my opinion, as Chairman of the Claims Committee, that this sets any precedent."

Senator Buckley: "Does this constitute a negligence on the part of the state for not removing these trees?"

Senator English replied: "Yes, it was felt that there was some slight negligence."

Senator Buckley: "It is my understanding that you could not collect from the state or from a community unless there was proven negligence."



Senator Cleveland: "I would say that this was a case of negligence. The tree had been marked for removal. This would be an open and shut case of negligence."

Senator Dunlap: "Mr. President, I am not speaking against the Committee Report, but it is my impression that the law that the Senator from the 7th District refers to was permissive legislation. It permitted the State highway, but did not require them to do it."

Senator McMeekin: "I was on the Committee and heard the evidence. I think the people of New Hampshire have a right to expect the highway department to maintain the highways so that they are passable. I do think this is an unusual circumstance. This tree had already been started and broken. They knew this might happen; knew that the tree was close to the highway; knew that it did block the highway. Although the law does not require them to cut all the trees, I think they should have cut this tree. This tree fell down across the road."

Senator Buckley withdrew his motion for reconsideration.

The President recognized Senator Lamontagne: "Mr. President, I just cannot find enough words to thank this body for the Resolution adopted earlier this morning. But certainly this invitation which I have received from the German Counsel of Boston, not only to represent the State, but also the city of Berlin, is indeed a great honor. I certainly appreciate this Resolution and on my travels to West Germany, I will certainly bring the greetings of New Hampshire and also of the country. I will try to make more friends for the State of New Hampshire."

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time, and when the Senate adjourns today, it be to meet next Tuesday morning at 11 o'clock.

### **Afternoon Session**

#### **Third Reading & Final Passage of Bill**

SB 127, providing for the removal of names from checklists in certain cases.

On motion of Senator Paquette, the Senate adjourned at 12:15 o'clock.

TUESDAY, MAY 9, 1961

The Senate met according to adjournment.

### Guests

As guests of Senator Paquette, District No. 13, students of the 8th grade, Sacred Heart Academy of Nashua in charge of Brother Julian.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills and joint resolutions in the passage of which it asks the concurrence of the Honorable Senate:

HB 86, increasing the state guarantee of municipal bonds issued for water pollution projects.

HB 282, relative to the taxation of boats.

HB 345, providing for control of aquatic nuisances on Lake Winnisquam.

HB 393, relative to assessments by insurance firms.

HB 415, relative to fees for private boat registration.

HJR 1, providing an appropriation for the Civil War Centennial Commission.

HJR 13, authorizing a study of the operation of the milk control act.

HJR 15, providing funds for completion of forest conservation aid payments.

The Message further stated that the House has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

HB 269, relative to financing industrial waste treatment facilities.

### Read and Referred

To the Committee on Finance:

HB 86, increasing the state guarantee of municipal bonds issued for water pollution projects.

HB 345, providing for control of aquatic nuisances on Lake Winnisquam.

HJR 1, providing an appropriation for the Civil War Centennial Commission.

HJR 15, providing funds for completion of forest conservation aid payments.

To the Committee on Ways & Means:

HB 282, relative to the taxation of boats.

HB 415, relative to fees for private boats registration.

To the Committee on Banks & Insurance:

HB 393, relative to assessments by insurance firms.

To the Committee on Agriculture:

HJR 13, authorizing a study of the operation of the milk control act.

### Introduction, First & Second Reading of Senate Bill

SB 132, relative to registration of barber shops. (Humphreys) To the Committee on Public Health, Welfare & State Institutions.

### Committee Reports

Senator Monahan, for the Committee on Resources, Recreation & Development:

SB 66, to encourage the public development of public lands. Ought to pass.

Senator Monahan: "Mr. President, on April 27 the final report of the Winter Facilities Development Committee, authorized by Senate Joint Resolution No. 1, was printed in the Senate Journal of that date and referred to the Committee on Resources, Recreation & Development.

"Thanks to the foresight of the Senator from the 7th District, the Committee already had in its possession Senate Bill 66, which amends existing law by increasing from 'five' to 'thirty' years the period in which the Forestry and Recreation Commission may make contracts for the leasing of privileges and concessions on state forests and reservations.

"Obviously, a prospective lessee and operator of the major type of facility which has been constructed on state lands in Vermont is not interested in a lease of only five years. He needs much more time in order to amortize the type of large-scale facility so urgently needed in this state.

"The Winter Facilities Development Committee has recently recommended this change in our statutes. The Senate Resources Committee has heard the bill and received no objections.

"Mr. President: I hope an important first step will be taken in the implementation of the study committee's recommendations by adoption today of the Resources Committee 'ought to pass' report."

The bill was ordered to a third reading.

Senator Monahan, for the Committee on Resources, Recreation & Development:

HB 265, providing penalties for illegal operation of boats. Ought to pass.

Senator Monahan: "Mr. President, House Bill 265 was sponsored by the Member from Pittsburg, Mr. Converse, with the endorsement of the Public Utilities Commission.

"It amends Chapter 144 of the Laws of 1959 by adding a new section (28-2) to RSA 570 setting forth the period and terms of suspension for the illegal operation of boats in a reckless or negligent manner while under the influence of liquor or drugs.

"The one-year suspension provided by present law would start with the date of initial conviction, regardless of whether or not such conviction is appealed, and would continue the full year or until the conviction in a lower court has been reversed.

"This bill adds further teeth to existing law. There was no objection at the hearing.

"I urge adoption of the committee 'ought to pass' report."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 311, to permit the waiver of hearings before the public utilities commission when all parties are in agreement.

Senator English: "Mr. President, this bill is pretty well explained by its title. There was no one in opposition at the hearing. Harold Davison, Chairman of the Public Utilities Commission appeared in favor and also Fred Hall, for the telephone company, in favor. The saving would be considerable in the course of the year. In the House, was added the words, when all parties are in agreement, which takes care of any opposition."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 333, relating to appeals from municipal courts. Ought to pass.

Senator Cleveland: "Mr. President, this is a Judicial Council bill and what it does is to permit an appeal from a municipal court, which can presently be taken only if the appeal is filed immediately. Many people did not know about this and some abuse has been done. This was recommended by the Judicial Council and properly so."

The bill was ordered to a third reading.

Senator Drake, for the Committee on Fisheries & Game:

HB 154, relative to ranch bred mink. Ought to pass.

Senator Drake: "Mr. President, this bill was unopposed in public hearing. In effect, it transfers the ranch bred mink to the classification of domestic animal and does not require a game bird license. The Committee voted the bill as ought to pass."

The bill was ordered to a third reading.

Senator Drake, for the Committee on Fisheries & Game:

HB 359, to provide for the sale of quail.

Senator Drake: "Mr. President, what this bill does in effect is to allow quail raised to be sold for use in restaurants under certain restriction."

The bill was ordered to a third reading.

Senator Drake, for the Committee on Fisheries & Game:

HB 36, relative to the transportation of deer. Ought to pass.

Senator Drake: "Mr. President, this is really a clarification bill. As the law is presently, it pertains only to out of state hunters. This gives the same requirements to the out of state hunters as it does to state hunters."

The bill was ordered to a third reading.

Senator Drake, for the Committee on Fisheries & Game:

HB 142, prohibiting hunting and the use of firearms in the town of New Castle. Ought to pass.

Senator Drake: "Mr. President, this is a bill that was requested by the Representative of New Castle who was acting in conjunction with his town. At the town meeting, they voted to ask for this legislation. New Castle is an island — population of 838. But it is increasing and new houses are going up. This would prohibit hunting and use of firearms in the town. No opposition."

Senator Holmes inquired of Senator Drake: "Has there ever been another bill of this type passed?"

Senator Drake: "Yes. Many towns have voted restricted hunting."

The bill was ordered to a third reading.

Senator Monahan, for the Committee on Engrossed Bills:

HB 226, providing for a closed season on black bear.

Under Joint Rule No. 6 with the following amendment and recommended that the bill as amended ought to pass:

Amend section 1 of said bill by striking out the sentence "Live bear may not be offered for sale at any time unless by a person licensed so to do" and inserting in place thereof the

sentence: Live bear may not be offered for sale at any time unless by a person permitted so to do by the director.

Further amend section 1 of said bill by striking out the words "unless otherwise provided" in the twelfth line and inserting in place thereof the words, unless otherwise herein provided.

Senator Monahan: "Mr. President, these are two minor technical amendments. First, the word 'license' was used when it might better have been 'permit.' Second, the hearin refers only to that chapter pertaining to that subject. I have checked with the Fish & Game Department and the Committee, and they are in favor. I move adoption of the amendment."

On a *viva voce* vote, the amendment offered by the Committee on Engrossed Bills was adopted.

Senator Monahan, for the Committee on Engrossed Bills:

HB 149, relative to the salary of the justice and special justice of the Dover municipal court.

Under Joint Rule No. 6 with the following amendment and recommend that the bill as amended ought to pass.

Amend section 1 of said bill by inserting after the figure "212:1" in the fourth line the word and figure, and 1961, 15:1. Further amend said section by striking out the words "three thousand five hundred" in the fourteenth line and inserting in place thereof the words, four thousand.

Amend section 2 of said bill by inserting after the figure "209:2" in the second line the word and figure, and 1961, 16:1.

On motion of Senator Monahan, the reading of the amendment was dispensed with.

Senator Monahan: "Mr. President, the only change is that already this session the General Court has approved an increase for the justice and special justice. This was not known when this bill was introduced.

On motion of Senator Monahan, the amendment offered by the Committee on Engrossed Bills was adopted.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills and House Joint Resolution:



HB 117, relative to taxation of annuity premiums.

HB 352, relative to appeals for permanent state employees.

HB 401, relative to cooperative arrangements between towns for public recreational facilities.

HJR 33, in favor of the estate of Herbert Andrew Willard.

SB 105, relative to petitions for inquiry under the sexual psychopath act.

Robert S. Monahan  
For the Committee

The President announced a meeting of the Rules Committee in his office immediately after adjournment.

### Personal Privilege

The President recognized Senator Dunlap: "Mr. President, under personal privilege. Very appropriately it has to do with the President's announcement of a meeting of the Rules Committee. Some time ago, there was introduced in the Senate SB 56, which provided that every trailer, semi trailer, generator, etc. be charged \$5. Now this was done to enable the motor vehicle commissioner to properly collect from the people using the highway in a very limited way some fee. This bill was passed by the Senate on March 15th. Now comes HB 446, Mr. President, introduced through the Rules Committee, which is the identical bill and notice comes to the Senator from the 9th District who introduced the bill, because it was felt that he might wish to appear at the hearing. Now the Senator from the 9th District has no ill feeling about this becoming a House Bill, but I do submit that it seems a gross waste of time and energy to introduce the bill in the House. I suppose it is done, Mr. President, because there are those who feel that the Senate does not have the right to introduce such a bill. But may I take just a few minutes of the Senate's time. (Reads from the Senate Journal of May 5th, session of 1959, relative to an Opinion of the Justices relating to legislation of similar content.) The reason that this seems very important at the moment is because recently the Senate passed SB 102 which was a bill establishing a division of boards and commissions within the department of administration and control. Line 112 in the printed bill provides that all funds of all boards and commissions shall be re-

ceived and payable to the State Treasurer. Line 127 provides for appropriations and expenditures for these boards and commissions. This bill goes on, on page 16, line 381 — each applicant shall pay to the Secretary of Boards and Commissions a fee of \$25. On page 20 in line 409, provides that all fees and fines received by the Board shall be turned over to the State Treasurer. On page 39, and we are now discussing whether or not the bill, SB 56, was legally introduced and acted upon in the Senate. Then I would refer to line 942, appropriations in SB 102, for division of boards and commissions, as follows . . . I won't take the time of the Senate to read the list for which appropriations are made. There is no personal offense as far as the Senator from the 9th District is concerned regarding SB 56, but I think it is a misuse of our time and energy to introduce an identical bill that has passed this body. If SB 56 has been improperly introduced and passed, so has SB 102 and I think the Senate should adopt that position."

(Discussion ensued)

Senator Battles inquired: "Isn't there some difference between a new fee and one that is already on the books?"

Senator Dunlap: "My opinion is that when this Senate has inquired of the Supreme Court for their opinion, their opinion becomes my opinion. I have no paternal regard for SB 56. This was introduced because someone advocated it and requested it and because it was felt that the motor vehicle commissioner had the right to know how much to assess this vehicle. The Senate has introduced a bill, the same as introduced last session. The court ruled that the Senate was within its right. It is all right with me if we wish to ask the Justices for their opinion, but if the bill is not considered in the House on these grounds, then I think the Senate should take the same attitude toward SB 102."

Senator Battles: "The question that I am trying to get answered is, if the supreme court says it is all right to introduce and pass SB 56, and the House does not wish to act on this bill, is there any way you know of for us to enforce the opinion of the justices?"

Senator Dunlap: "I have no ambition to do this. If this is a matter of their deciding, nothing to do with the constitution, then I am happy to have them send back any bill that the Sen-

ator from the 9th District may sponsor. I think this is a matter for each House to decide what to do."

Senator Cleveland: "Mr President, I rise in support of the Senator from the 9th District's position. I sponsored the Senate Bill which resulted in the Opinion of the Justices dated May 5, 1959, House Journal page 562. It is a shocking waste of time and money that the House attempts again in the teeth of that Opinion to avoid its clear statement of the law. The Speaker and his Counsel, who was then also Chairman of the House Judiciary Committee, submitted a five page printed memorandum pages 557-562 in support of the position they are now taking. The Supreme Court said they were wrong. For them to now act against that opinion is not only contemptible, but is wasteful of the time and energy of the General Court."

The President: "I agree with Senator Cleveland that it is a waste of time to introduce bills in the House that have passed the Senate. I don't want to take it upon myself to tell the House what to do. If they do not wish to follow the court's decision — the court has said that it is the prerogative of each House to make their own rules."

Senator McMeekin: "I would like to ask a question of the Chair. I had some occasion to look into this some time ago because I intended to introduce a bill to pay the Delegates and attaches of the last Constitutional Convention. I took this up with the Attorney General's office and they agreed that it was perfectly proper to introduce that bill through the Senate. But rather than have any controversy, I decided to ask some member of the House to introduce such a bill and it was introduced in the House. After reviewing that and talking with the Attorney General, it occurs to me that we are talking on two different things. One is a licensing matter and the other is a revenue measure. In the case of the trailers, that is a licensing fee. I think money bills are interpreted to mean revenue bills."

The President: "That is correct. The Senator from the 3rd District has hit the point that the Supreme Court has acted upon. License fees can be introduced in the Senate, but money bills as used to mean bills for raising money by direct taxation, must originate in the House of Representatives. Other bills carrying appropriations may originate in the Senate or in the House. We have the law on our side — and the House says 'I

don't care.' I intend to take this up with the Speaker. I think it is a waste of the state funds to print identical bills."

Senator Eaton: "I think we are running around in circles and saying nothing. But I do think it is about time the Senate started in getting tough."

Senator Humphreys: "As a start in getting tough, I move that the Senate refuse to consider any bill coming in from the House which is introduced after today, unless the House of Representatives will agree to consider our bills that go in that are mindful and legal in accordance with the Supreme Court's decision."

The President requested the motion to be made in writing and suggested that it be presented to the Senate at tomorrow's session, which suggestion met with the approval of Senator Humphreys.

Senator Daniel: "Mr. President, under personal privilege, I would say, to me I feel that we must forget and forgive in order that we ourselves may be forgiven. We must try to understand each other."

Senator Lamontagne: "I concur with the remarks made by the Chair. I don't see why this matter cannot be taken care of by the Speaker and the President and the Rules Committee. They can iron this matter out."

### Guests

As guests of Senators Phillips and Eaton, the Republican women's group from Sullivan and Cheshire Counties.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time.

### Afternoon Session

#### Third Reading and Final Passage of Bills

SB 66, to encourage the public development of public lands.

HB 36, relative to the transportation of deer.

HB 142, prohibiting hunting and the use of firearms in the town of New Castle.

HB 154, relative to ranch bred mink.

HB 265, providing penalties for illegal operation of boats.

HB 311, to permit the waiver of hearings before the public utilities commission when all parties are in agreement.

HB 333, relating to appeals from municipal courts.

HB 359, to provide for the sale of quail.

On motion of Senator Paquette, the Senate adjourned at 12:17 o'clock.

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WEDNESDAY, MAY 10, 1961

The Senate met according to adjournment.

### Guests

As the guests of Senators Cleveland and Dunlap, Mrs. Roy London, Mrs. Ruth Nunan, Mrs. Arthur Little, all of New London, Mrs. Hazel Stiles of Concord, and Mrs. Margaret Flint, also of Concord.

As the guests of Senators Gardner, Cleveland, Dunlap and Bunten, the Republican ladies from Belknap and Merrimack Counties.

As the guest of Senator Cheney, Mrs. Arthur Lockwood.

As the guest of the entire Senate, former Senator Sarah E. Otis of Concord.

As the guests of Senator Gardner, Mrs. Lyle Watson and Mrs. A. N. Haggert of Belmont.

As the guests of Senator Gardner, Mr. and Mrs. Arthur Moulton of Lakeport.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills and joint resolutions in the passage of which it asks the concurrence of the Honorable Senate:

HB 19, providing funds for the perambulation of the Maine-New Hampshire boundary line.

HB 71, providing for a bounty on wolves.

HB 339, relative to marking fishing holes cut in ice on Great Bay.

HB 163, relative to free fish and game licenses for resident members of the armed forces.

HB 410, providing for training in safe handling of firearms by certain minors.

HB 50, relative to special fish and game licenses for non-resident members of the armed forces of the United States.

HB 172, relating to issuance of duplicate fish and game licenses.

HB 438, legalizing the proceedings of the annual school district meeting held in the town of Antrim on March 13, 1961.

HB 433, legalizing the proceedings of the annual school district meeting held in the town of Northwood.

HJR 26, in favor of Priscilla Morneau.

HJR 22, in favor of Florence Pushee.

HJR 31, in favor of Nathan and Leona Mace.

HJR 28, relative to operation and maintenance of Fort Dearborn state park.

The Message further stated that the House has voted to concur with the Honorable Senate in the passage of the following entitled bills and joint resolution, sent down from the Honorable Senate:

SJR 5, in favor of Berton B. Hiller.

SB 124, to validate the annual meeting of Allenstown School District.

SB 113, relative to foster day care homes.

### **Read and Referred**

To the Committee on Finance:

HB 19, providing funds for the perambulation of the Maine-New Hampshire boundary line.

HB 71, providing for a bounty on wolves.

HJR 28, relative to operation and maintenance of Fort Dearborn state park.

To the Committee on Fisheries & Game:

HB 50, relative to special fish and game licenses for non-resident members of the armed forces of the United States.

HB 163, relative to free fish and game licenses for resident members of the armed forces.

HB 172, relating to issuance of duplicate fish and game licenses.

HB 339, relative to marking fishing holes cut in ice on Great Bay.

HB 410, providing for training in safe handling of firearms by certain minors.

To the Committee on Judiciary:

HB 433, legalizing the proceedings of the annual school district meeting held in the town of Northwood.

HB 438, legalizing the proceedings of the annual school district meeting held in the town of Antrim on March 13, 1961.

To the Committee on Claims:

HJR 22, in favor of Florence Pushee.

HJR 26, in favor of Priscilla Morneau.

HJR 31, in favor of Nathan and Leona Mace.

### **Introduction, First & Second Reading of Senate Bills**

SB 133, to enlarge the rights of students under twenty-one years of age to contract to borrow money to finance higher education. (Holmes — Rules Committee) To the Committee on Banks & Insurance.

### **Order Revoked**

The President announced that he would revoke the order whereby HB 343, relative to classification of highway in town of Goffstown and the city of Manchester was referred to the Committee on Public Works and would re-refer the bill to the Committee on Banks & Insurance.

### Order to Vacate

On motion of Senator Eaton, the rules were suspended to permit the order whereby HB 282, relative to taxation of boats was referred to the Committee on Ways & Means, was vacated and the bill was referred to the Joint Committee of Ways & Means and Finance.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

HB 461, naming an Interstate Highway.

### Read and Referred

To the Committee on Transportation:

HB 461, naming an Interstate Highway.

Senator Buckley moved that the rules of the Senate be so far suspended as to dispense with referral of the above bill to Committee, and that the bill be placed on its third reading and final passage at the present time.

Senator Bergeron: "Mr. President, this highway is not completed yet, should not the bill state proposed highway?"

(Discussion ensued)

Senator Buckley withdrew his motion.

On motion of Senator Buckley, the rules of the Senate were so far suspended as to dispense with public hearing on the above entitled bill.

### Committee Reports

Senator Eaton, for the Committee on Ways & Means:

SB 67, relative to collection of taxes from contractors and sub-contractors. Ought to pass with amendment.

Amend said bill by striking out Section 2 and inserting in place thereof the following:



2 Payment of Taxes. Amend RSA 80 by inserting after section 7 the following new sections: 80:7-a Subcontractors' Taxes. Whenever a person, firm or corporation enters into a contract or agreement with the state or any political subdivision thereof and such contractor employs a subcontractor to perform any of the work contemplated by such contract or agreement, it shall be a stated term or condition of such contract, that said contractor will be liable for the payment of any taxes assessed in the name of and upon the property of the subcontractor, used by said subcontractor in the performance of said sub-contract if assessed while said contract is being performed, to the extent of any sum or sums that may be due from the contractor to the sub-contractor at the time of or after the contractor has been notified by the collector of taxes in writing that payment of said taxes has been demanded of said sub-contractor but said sub-contractor has failed, neglected or refused to pay the same. Said contractor may retain from the contract price the amount for which he is liable hereunder. The amount of the taxes for which the said contractor may be liable hereunder may be withheld or retained from the contract price under the provisions of RSA 80:7.

80:7-b User's Taxes. Whenever a person, firm or corporation enters into a contract or agreement with the state or any political subdivision thereof and such contractor has in his possession and uses any taxable property owned by another upon the job to be performed under the contract or agreement, it shall be a stated term or condition of such contract that the contractor having such property in his possession shall be liable for the amount of taxes assessed against such property in the name of the owner of such property while the same is in the possession of such contractor to the extent of the amount of any sum or sums of money that may be due from said contractor to the owner of such property for rental or hire thereof at the time of or after the collector of taxes has notified said contractor in writing that he has made demand upon the owner of such property for payment of the taxes assessed upon said property but that the owner of such property has failed, neglected or refused to pay said taxes. Said contractor may retain from the sums to be paid for the use of such property the amount for which he is liable hereunder. The amount of the taxes for which the said contractor may be liable hereunder may be withheld or retained from the contract price under the provisions of RSA 80:7.

80:7-c Exemption from Attachment. The sums so withheld by the treasurer of the state or any political subdivision thereof upon notice from a collector of taxes under the provisions of RSA 80:7 and the sums so withheld and to be withheld by any contractor under the provisions of 80:7-a and 80:7-b shall be exempt from attachment, garnishment and trustee process by any person except in an action or suit brought by the collector of taxes to collect such taxes.

Senator McMeekin: "Mr. President, this provides that the sub-contractor is liable only to the extent that he owes the contractor. At first, there was opposition to this bill by the contractors association, but since the bill has been amended to take care of their objections, they are now in favor of the bill as amended."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Eaton, for the Committee on Ways and Means:

SB 118, to establish a new apportionment for the assessment of public taxes. Ought to pass.

Senator Eaton: "Mr. President, SB 118 is legislation introduced as required by statute 76:1. It gives to the Tax Commission the job of setting up an equalized valuation table. 76:1 specifically establishes that the general court shall establish an apportionment of public taxes at every session. This then is simply the Tax Commission's report to the legislature in conformance with the law since 1794! — At that time we had a direct state tax similar to today's county tax. This biennial measure shows what each town's share of such tax would be for each thousand dollars of their valuation if such a state tax were in existence now. The reason for its continuing existence is that these figures are used to determine the borrowing capacity of towns, cities and school districts (2) to properly show apportionment of county taxes, state aid, class V Duncan Aid funds, apportionment of costs of forest fires and determination of UNH millage formula.

"In brief, it puts all communities' assessments on an equitable basis of true and equal valuation as a base for all tax purposes, assessments, borrowing, etc."

Senator Holmes desired to be recorded as voting against the above entitled bill. Stated that she had voted against this

legislation each session as she did not think it a fair and equitable bill.

Senator Eaton stated that he felt it was just like our type of government — everybody squawks, but it is still the best type of government.

The bill was ordered to a third reading.

Senator Eaton, for the Committee on Ways & Means:

SB 120, relative to jurisdiction of director of tobacco products division. Ought to pass.

Senator Eaton: "Mr. President, SB 120 was submitted at the request of the Tax Commission to relieve them of the responsibility of a situation with which they cannot cope under the 'unfair sales act,' chapter 358: which provides, prices shall be maintained so they won't destroy competition (1941).

"In 1947, retailers were selling tobacco products at less than cost to attract customers, i.e., price cutting. The tobacco tax is an *ad valorem* tax under our constitution — this price cutting would have cost the state \$400,000 in 1947. The tax commission requested enforcement of 'unfair sales acts' to protect the state. Retailers, by devious methods and devices (undertable kickbacks, free merchandise, etc.) were undercutting prices. The Tax Commission was authorized to investigate this situation by the Governor and Council. With their own agents the Attorney General's department and the State Police they were unable to get evidence and this practice is still going on.

(Discussion ensued)

On motion of Senator Caron, further consideration of the above entitled bill and Committee Report was made a Special Order of Business for next Tuesday morning at 11:01 o'clock.

Senator Phillips, for the Committee on Judiciary:

HB 409, relative to election of school district officers at town meeting. Ought to pass.

Senator Cleveland: "Mr. President, the purpose of this bill is to permit a town, by vote, to elect their school district officers at the town meeting. It is permissive legislation."

The bill was ordered to a third reading.

Senator English, for the Committee on Education:

SB 125, legalizing the organization meeting and first annual meeting of the Monadnock Regional School District. Ought to pass.

Senator English: "Mr. President, this is a familiar type of bill which simply says that the meeting was legal. It consists of the borrowing that is to be undertaken."

The bill was ordered to a third reading.

Senator Dunlap, for the Committee on Banks & Insurance:

HB 118, relative to data processing systems. Ought to pass with amendment.

Amend section 1 of said bill by substituting for the word "less" in line seven thereof the word, more, so that said section as amended shall read as follows:

1 Purchase of Equipment. Amend RSA 411 by inserting after section 16 the following new section: 411:16-a Data Processing Systems. Any such company may purchase and hold electronic computers and electronic and mechanical machines and equipment constituting a data processing and accounting system, provided that the cost thereof shall be amortized in not more than ten years, and provided further that the unamortized cost thereof shall not at any time exceed one per cent of the company's admitted assets without the approval of the insurance commissioner.

On motion of Senator Dunlap, the reading of the amendment was dispensed with.

Senator Dunlap: "Mr. President, this bill provides that an insurance company may use a data processing system in its capital investment account and amortization. Briefly, I think that the Senate should know that life insurance companies are permitted to have only certain capital items in their surplus account. This is for the protection of the holders of the life contracts. Example of this type of asset which can be included is furniture and fixtures, typewriters, machines. Not included is cash, government bonds and buildings. The modern machine age has made it available to the companies that they have these huge machines, IBM, for example, for data processing. This

kind of investment runs into hundreds of thousands of dollars and eventually into the millions of dollars. This would be an item which the life companies, such as the United Life which is domiciled here, would be using. Undoubtedly, a great deal of money would be needed for this kind of thing. It would permit them to have not more than 1% of their company's assets invested in this type of thing without the approval of the Insurance Commissioner. The assets of the United Life is 47 million, so this company would be permitted to buy machines costing \$470,000 and amortize it for 10 years. In the original draft of the bill the word 'less' was put in. While the sponsors of the bill would have no objections to it, the true feeling is that the holder of the contract is better protected if there is a limitation on the number of years, so the 'less' is changed to 'more.' Ten years is sufficient time for the company to pay off this amount."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Dunlap, for the Committee on Banks & Insurance:

HB 204, relating to banks and building and loan associations. Ought to pass.

Senator Dunlap: "Mr. President, this bill makes several amendments to the existing statutes. The first would provide that a building and loan, or federal loan association, would not be responsible for the collection of an inheritance tax as they now are responsible. Deposits are now taxable on an inheritance tax basis and I assume that someone is charged with the collection of the taxes! the individual is not responsible. This gives no relief to the building and loan association — this would simply place them on the same base as the mutual savings bank, trust company and national bank. Secondly — this has to do with the loss of pass books and lost certificates. The present statute requires that a lost pass book must be advertised. The person owning the book gives the institution notice and they advertise for three successive weeks the notice of the loss. At the end of this period, that institution is permitted to pay out the money or issue a new book. This provision is not available to building and loan associations and federal home loan associations. This also extends the same to include deposits of building and loan and deposit certificates. These institutions may advertise these negotiable investments and

then pay the money without any further liability to the owner of certificate or book. Third, this would provide that in the pledging of a savings account or certificate of investment in federal loan or local building and loan associations that have holdings in joint tenancy, it would permit the institution to accept the pledge from one member without severing the relationship between the two. The present statute makes no provision for a joint tenancy account with these building and loan or federal loan associations. A further change would permit the federal home loan system to loan up to  $7\frac{1}{2}\%$  of the total deposit of a federal loan association, without permission of the Bank Commissioner. . . . ”

The bill was ordered to a third reading.

Senator Bunten, for the Committee on Agriculture:

HB 222, regulating the provisions for selling and serving milk. Ought to pass with amendment.

Amend RSA 184:30-a as inserted in section 1 of the bill by adding after the word “producer” in line 4 the word, “store” so that said section as amended shall read as follows:

184:30-a Pasteurization Required. No milk or milk products as defined in section 36 shall be sold, offered for sale or served unless pasteurized. This shall not serve to prohibit the direct sale of raw milk or cream from the producer, store or milk pasteurization plant to the final consumer, or milk or cream from a producer to stores, nor the serving of raw milk at bona fide boarding houses where the milk is produced on the premises, provided that in the dining room of such boarding houses a sign is prominently displayed stating that such raw milk is served therein.

Senator Bunten: “Mr. President, this amendment is very brief. It simply adds the word ‘store.’ The word ‘store’ was in in one place and not in in another. If we had not corrected it, the Committee on Engrossed Bills would have.”

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Bunten, for the Committee on Agriculture:

HB 276, relative to purchase of milk for resale or manufacture. Ought to pass with amendment.

Amend said bill by striking out section 4 and inserting in place thereof the following:

4 Application; Effective Dates. This act shall take effect as of August 1, 1961, provided, however, that nothing herein shall be construed as affecting valid licenses or renewals in effect as of August 1, 1961. Said licenses unless revoked or suspended shall be effective until August 1, 1962. No additional fee shall be required for this extension of licenses.

Senator Bunten: "Mr. President, this is merely a clarification and changing the date from April 1st to August 1st. The Committee felt that it should be clarified that those who had paid their fee in April would not be charged again in August. That is all the amendment does."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Bunten, for the Committee on Agriculture:

HB 288, relative to rules and regulations and permit fees for receiving stations for milk. Ought to pass with amendment.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Receiving Stations for Milk. Amend RSA 184 by inserting after section 60-a (supp) as inserted by 1955, 86:2 the following new sections: 184:60-b Rules and Regulations; Fees. The commissioner may make rules and regulations governing the application for and the granting of permits under the provisions of section 60-a. The fee for each such permit shall be two dollars. Permits issued shall expire as of August first each year, and may be renewed upon payment of the annual fee. A permit may be revoked by the commissioner if after due notice the owner of the permit fails or has failed to comply with the law or the rules and regulations under which the permit was granted.

184:6-c Penalty. Any person who purchases milk from producers in this state using the bulk tank collector system of collecting milk and who fails to have a valid permit from the commissioner to operate each individual route shall be fined not more than twenty-five dollars.

2 Application; Effective Dates. This act shall take effect as of August 1, 1961, provided, however, that nothing herein



shall be construed as affecting valid permits in effect as of August 1, 1961. Said permits, unless otherwise revoked, shall be effective until August 1, 1962. No additional fee shall be required for this extension of permits.

Senator Buntin: "Mr. President, this amendment has the approval of the Attorney General and the Commissioner of Agriculture. It simply extends the time for payment of fee for permit from April to August."

The amendment was adopted, and the bill as amended was ordered to a third reading.

### Engrossed Bills

Senator Monahan, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House Bill:

HB 187, authorizing the establishment of an interstate school district by Hanover, New Hampshire, and Norwich, Vermont.

Robert S. Monahan  
For the Committee

### Concurrent Resolution

Senator Phillips offered the following Concurrent Resolution:

*Whereas*, Miss Annette Lambert of Claremont, a senior at St. Mary's High School in said city, has been chosen Miss New Hampshire of 1961;

*And Whereas*, she will represent the state at the Miss America contest in Atlantic City next September,

*Now Therefore Be it Resolved*:

That the General Court extend to Miss Lambert its congratulations and commendation and wish her success at Atlantic City in September, and

That the clerk be directed to forward a copy of this resolution to Miss Lambert.

Senator Phillips: "Mr. President, this is a Concurrent Resolution with the House. Perhaps this might seem frivolous



and unnecessary to take the time of the Senators with this matter, but our most vital possession is our young people and it would seem to me that anything that we can do to foster their success and well being is desirable. Having been one of the committee to pick our Miss Claremont for the past five years, I appreciate the time and consideration that is given this matter. I feel that when we have someone who has attained a certain status in our state, it seems desirable that we do all that we can do for these young people."

On a *viva voce* vote, the above Concurrent Resolution was unanimously adopted.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time.

### **Afternoon Session**

#### **Third Reading and Final Passage of Bills and Resolutions**

SB 67, relative to collection of taxes from contractors and sub-contractors.

SB 118, to establish a new apportionment for the assessment of public taxes.

SB 125, legalizing the organization meeting and first annual meeting of the Monadnock Regional School District.

HB 118, relative to data processing systems.

HB 204, relating to banks and building and loan associations.

HB 222, regulating the provisions for selling and serving milk.

HB 276, relative to purchase of milk for resale or manufacture.

HB 288, relative to rules and regulations and permit fees for receiving stations for milk.

HB 409, relative to election of school district officers at town meeting.

On motion of Senator Paquette, the Senate adjourned at 12:40 o'clock.

THURSDAY, MAY 11, 1961

The Senate met according to adjournment.

### Guests

As guests of Senator Buckley, Mrs. Maurice Murphy of Salem Depot and Mrs. Marjorie L. Roulston, Representative from Salem.

As guests of Senators Monahan, Dunlap and Cheney, Mr. and Mrs. Philip McInnis of Concord. Mr. McInnis' father was a former Senator from Concord. Mr. McInnis is Deputy State Treasurer. Mrs. McInnis was National winner of the 1960 General Federation of Women's Club Fashion Sewing Contest.

As the guest of Senators Dunlap and Cheney, Mrs. Wellington Barto of Arlington, Virginia, the Mother of Attorney John Barto of Concord.

As Guests of Senator Humphreys, pupils of the 8th grade, Greenland Grammar School.

As guests of Senator Bergeron, 8th grade of St. Mary's Grammar School, Rochester, in charge of Reverend Fathers E. A. Murphy and G. Joyal.

### Announcements

The President stated that an agreement had been reached between the President of the Senate and the Speaker of the House that the brochure relative to the sessions is to be changed by a Committee. The Speaker has appointed Representative Weeks of Greenland and the President has appointed Senator English, assisted by Senator Monahan, to rewrite the brochure.

The President also stated that SB 56, relative to motor vehicle fees, is being introduced in the House this morning, so the little dispute between the House and Senate has been resolved.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 279, relative to supervisory unions and teacher consultants.

HB 135, relative to powers of county convention over appropriations transfers.

HB 444, legalizing the Walpole Village District meeting held on April 7, 1961.

HB 445, legalizing the Walpole Fire District meeting held on April 7, 1961.

HB 328, relative to salaries of Hillsborough county commissioners.

HB 381, repealing the taxation of livestock and poultry.

HB 372, relative to municipal elections in the city of Manchester.

HB 180, to increase the terms of office of the clerk and treasurer of the city of Nashua.

HB 274, relative to the salaries of the mayor and board of aldermen of the city of Nashua.

HB 178, to prohibit discrimination in places of public accommodation.

The Message further stated that the House has voted to concur with the Honorable Senate in the passage of the following entitled bill sent down from the Honorable Senate:

SB 99, to regulate the sale and use of hydraulic brake fluids for motor vehicles.

### **Read and Referred**

To the Committee on Judiciary:

HB 135, relative to powers of county convention over appropriation transfers.

HB 274, relative to the salaries of the mayor and board of aldermen of the city of Nashua.

HB 328, relative to salaries of Hillsborough county commissioners.

HB 444, legalizing the Walpole Village District meeting held on April 7, 1961.

HB 445, legalizing the Walpole Fire District meeting held on April 7, 1961.

To the Committee on Ways & Means:

HB 180, to increase the terms of office of the clerk and treasurer of the city of Nashua.

HB 381, repealing the taxation of livestock and poultry.

To the Committee on Education:

HB 279, relative to supervisory unions and teacher consultants.

To the Special Committee consisting of Senators from Manchester: Senators Green, Caron, Provost, Daniel and Buckley:

HB 372, relative to municipal elections in the city of Manchester.

The following entitled bill was read a first and second time:

HB 178, to prohibit discrimination in places of public accommodation.

Senator Battles moved that the above entitled bill be referred to the Joint Committee of Ways & Means and Judiciary and spoke in support of the motion.

Senator Cleveland: "Mr. President, I think that it is an unusual assignment. I would inquire of the Senator from the 23rd District, why?"

Senator Battles: "I have looked over a list of bills for these various Committees and find that the Judiciary Committee has quite a work load and Ways & Means Committee has practically no bills left. I believe this referral to the Joint Committee will expedite matters."

Senator Cleveland: "Mr. President, Joint Committees are always harder to schedule for hearing than are single Committee hearings."

Senator Battles: "Mr. President, then I would amend my motion to refer the above bill to the Committee on Ways & Means."

Senator Holmes: "Mr. President, I oppose this motion. I don't think that is a valid argument. I believe it would be very helpful to have the Judiciary Committee consider this bill."

On a *viva voce* vote, the motion to refer the bill to the Ways & Means Committee carried.

### Introduction, First & Second Reading of Senate Bill

SB 134, relating to La Caisse Populaire Ste. Marie or St. Mary's Bank. (Provost — Rules) To the Committee on Banks & Insurance.

On motion of Senator Provost, printing of the above entitled bill was dispensed with.

### Committee Reports

Senator Phillips, for the Committee on Judiciary:

HB 389, relating to acknowledgments by persons serving in armed forces or their dependents. Ought to pass.

Senator Cleveland: "Mr. President, this is a uniform state law and is a minor amendment to a law that we already have and includes in the present law people serving in the Air Force and also their dependents."

The bill was ordered to a third reading.

Senator Buckley, for the Committee on Transportation:

HB 461, naming an Interstate Highway. Ought to pass with amendment.

Amend section 1 of the bill by striking out the same and inserting in place thereof the following so that said section shall read as follows:

1 Alan B. Shepard, Jr. Highway Named. That portion of the proposed Interstate Highway 93 beginning at the Massachusetts-New Hampshire State Line in Salem and extending north to its connection with the F. E. Everett Turnpike in Hooksett shall be known as the Alan B. Shepard, Jr. Highway.

Senator Buckley: "Mr. President, the reason for the change in there is that this highway is already named the F. E. Everett Turnpike, so we have struck out that portion of the highway.

Commander Shepard would want it that way as he would not want to infringe on anything."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Holmes, for the Committee on Education:

SB 112, increasing the powers of the college of advanced science. Ought to pass.

Senator Monahan: "Mr. President, a hearing on this bill was held before all members of the Education Committee on April 6. Dr. Austin Welch, president of the College of Advanced Science at Canaan, Dean Royal Frye, former Governor Robert O. Blood (a trustee of the college, along with Supreme Court Justice Amos Blandin, and others), and Rep. Chandler of Canaan were among those who supported the bill. There was no opposition.

"Three members of the Committee visited the institution at Canaan Street on April 27. At an executive session yesterday, the committee voted 4-1 an "ought to pass" report in its present form. SB 112 grants upon this institution, already chartered in 1955, the power to confer degrees. This authority is needed to attract promising students, qualified faculty and needed financial assistance. The college now has an enrollment of about 35 scholars. It occupies the buildings and about twelve acres of land between Canaan Street and Crystal Lake formerly used by the Cardigan Mountain School for Boys.

"The facilities may be somewhat limited now as to libraries, laboratories, etc., but M. I. T. was far less equipped and staffed a hundred years ago. In this day of growing interest in science, it does not seem wise to reject this sincere and demonstrated effort to provide higher education in the sciences.

"This bill involves no appropriation or state aid of any kind. All it asks is the right to confer degrees, literary titles, honors and distinctions such 'as are usually granted by institutions of like character.'

"I hope the Senate will adopt the Committee report of ought to pass."

The bill was ordered to a third reading.

Senator Holmes, for the Committee on Education:

SB 126 for the encouragement of community colleges. Ought to pass.

Senator Holmes: "Mr. President, the Committee voted ought to pass unanimously SB 126 which provides for the encouragement of community colleges. Fifteen people attended the hearing. All were in favor. The one or two questions which were raised apparently were satisfactorily answered. Attorney Wyman said the Governor supported the bill without reservation. The University of New Hampshire and the State Board of Education favored the bill. The Senator from the 11th District, who is sponsor of this bill and President of one of the state's Community Colleges, should be heard from regarding this bill, and he should answer any questions concerning it."

Senator English: "Mr. President, the Chairman and members of the Senate Education Committee, as you have just been informed, find this legislation in the public interest. If there are questions, I believe I am in a position to answer them for just about every possible advantage and disadvantage of the proposal has been explored. Drafts of the 'Community College Bill' have been looked at by a great many persons experienced in education both in New Hampshire and outside the state. Both the State Board of Education and the University of New Hampshire have been most cooperative. This proposed legislation has also been studied by President Dickey of Dartmouth, by the Presidents of the two Teacher's Colleges and other groups including some of the directors of the New Hampshire Council for Better Schools. As a result, the bill had nearly four months of revision prior to the printing.

"We who have been active in the Community College development, believe that this legislation will encourage other communities in New Hampshire to look into this possibility of making available college level courses to those not able to attend or supplement their studies at four year colleges."

The bill was ordered to a third reading.

### **Rules Suspended**

On motion of Senator Humphreys, the rules of the Senate were so far suspended as to place the following entitled bill on its third reading and final passage at the present time:



HB 461, naming an Interstate Highway.

### Committee Reports (cont'd)

Senator Buckley, for the Committee on Executive Dept., Municipal & County Government:

SB 130, relative to notice to department of employment security of licensed employment offices. Ought to pass.

Senator Buckley: "Mr. President, this bill is a non controversial bill. It simply states that any city having a licensed employment agency shall notify the office of employment security so that they may have on record all facts and figures of concern to that office."

The bill was ordered to a third reading.

Senator Buckley, for the Committee on Executive Dept., Municipal & County Government:

SB 129, relative to the department of employment security. Ought to pass.

Senator Buckley: "Mr. President, this bill affects the general counsel and the counsel of the department of employment security. This would raise their salaries to what would be comparable to other states. No money from the state is involved, as it is supported by federal funds."

Senator Eaton: "Does this in effect circumvent the rules of the personnel division?"

Senator Buckley: "No. This is a federal supported agency entirely. It simply moves the general counsel and the counsel up in grade, in order that their salaries may be raised to be comparable to that paid in other states."

Senator Eaton: "I have some serious questions about this matter. I would move that this be made a Special Order of Business for next Tuesday morning at 11:02."

Senator Caron: "Mr. President, I would say to the Senator from the 10th District, these two gentlemen involved, whose salaries would be raised — one has been employed for 13 years by that department, Mr. Riley, and the other, Mr. Smith, has been employed 9 years by that department. It is all federal funds, the state does not pay a penny into that department.

That is all the bill does, is to change the classification of the two men concerned."

Senator Buckley: "Mr. President, it was pointed out to us at the hearing that if the general counsel and the counsel were to find employment elsewhere, it would be a very serious problem to the department. With this increase, their salaries would be very comparable with the assistant Attorney General's salary."

Senator Eaton: "There is a three page treatise here and two other sheets which I have never even seen before this morning. I have made the motion for Special Order so I may become more familiar with this matter."

Senator Sawyer: "Mr. President, these attorneys have, as shown by evidence, been employed by the state as has been stated. The problems there are very special. They involve federal law as well as state law. These men are thoroughly acquainted with the problems and they are specialists in that field. The grade of pay to which they are to be raised does not exceed that of attorneys who are assistant attorneys in the Attorney General's department. For an attorney, with an attorney's education and 13 years of previous experience in this form of law, that seems to me to be a very reasonable salary and not too great. It seems to me that while we all pay into the federal government, I understand from Mr. Adams that the federal government pays this bill and it does not cost the state anything from the state funds."

Senator Eaton: "This is a matter of thousands of dollars in this pay raise. I would like to have an opportunity to study this matter."

Senator Battles: "This bill has not been handled in any different way than any other bill has been handled. There has been no rush about it and it has been given the same consideration as all others. The important thing to understand here is in the department of employment security, their chief counsel could leave the department and take up private practice. It would cost a considerable amount more to replace him. He is the only one presently that knows the ins and outs of this department."

Senator Dunlap inquired of Senator Battles: "Would not this same situation exist if one of the members of the Public

Utilities Commission, say Mr. Thornton, was to decide that he could leave the Commission and go out and take cases against the public interest, so to speak, and get a lot more money?"

Senator Battles: "I am not qualified as to whether Mr. Thornton could be replaced or not. There was no opposition. I would also mention that under the present provisions, these two people could be taken out of the unclassified system and put under classified and their salaries would be much higher."

Senator Dunlap: "I don't know that I am opposed to the salary raises that are suggested for these gentlemen and I have no quarrel with the Committee's findings. I do find myself in sympathy with the Senator from the 10th District and with his request for the Special Order so that he could know more about it. I repeat that I don't think these salaries are out of line, but I do support the Senator from the 10th District, relative to our setting grades, and salaries, etc."

The President: "Senator Eaton has not raised the questions on the bill, but he has asked that consideration of the bill be made a Special Order of Business in order that he may study the treatise."

Senator McMeekin: "Mr. President, I am in support of the motion of Senator Eaton. We have made Special Orders for many bills. As I recall it, the Senator from the 17th District, who today wants to pass the bill, only yesterday asked for Special Order on another bill which was granted. I think the Senate should go along with the motion for Special Order."

Senator Humphreys: "I would like to support the motion of Senator Eaton, unless there is something very urgent. I believe that it is just a matter of Senatoral courtesy when a Senator requests it."

Senator Battles: "Mr. President, there is certainly no intent on my part or anybody else's to try to press this matter. I simply felt that I might have information that the Senator from the 10th District wished so the Special Order might not be needed. If he wants it, I have no objection."

On a *viva voce* vote, the motion for Special Order carried.

Senator Humphreys, for the Committee on Executive Dept., Municipal & County Government:

HB 238, authorizing the purchase of life and health insurance by towns for town employees. Ought to pass with amendment.

Amend the title of said bill by striking out the same and inserting in place thereof the following: An Act authorizing the town of Exeter to provide life and health insurance for its employees.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Exeter, Town Appropriations. The town of Exeter may at any legal meeting grant and vote such sums of money as it judges necessary to provide group plan life, accident, medical, surgical and hospitalization insurance benefits, or any combination of such benefits, for all regular employees of the town and their dependents.

2 Takes Effect. This act shall take effect upon its passage.

On motion of Senator Battles, the reading of the amendment was dispensed with and he explained: "Mr. President, this bill as it originally came to the Committee provided that any town could, if they so desired and voted, provide health and welfare insurance for their town employees. Nobody appeared in opposition, but there was some feeling by the Committee that this bill, although permissive, might not be the best thing for all of the towns in the state. In my district, the town of Exeter had already voted funds and supported the principal of supplying health and welfare insurance for its employees. I suggested if the Committee did not wish to pass the bill in toto, Exeter could be allowed to provide this. The amendment does this."

Senator Paquette inquired: "Does this cover all the employees and their families at all times?"

Senator Lamontagne: "This is off the job policy. On the job, they are covered by workmen's compensation."

Senator Humphreys: "I think this bill as amended is a legalization to the town of Exeter for some action that they have already taken. That is what our amendment does."

The amendment was adopted, and the bill as amended was ordered to a third reading.

The President recognized Senator English for Remarks:  
Mr. President:

May I rise to clarify the matter about which I think there has been some confusion.

Some ten years ago when Richard Upton was Speaker, the House of Representatives became concerned with public relations. Among other things the House voted, and has continued to vote, that there would be no smoking from 11-12 in order that school children and others in the gallery would not be in a smoke haze. To further make it more attractive for our visitors and to help them to understand what was going on in the legislature, I was asked to prepare a souvenir sheet of paper which was to be handed to the visitors.

Now some ten years later the attempt to depict the scene as viewed from the visitor's gallery of the House of Representatives has been construed to be in some degree slighting to the Senate. The reference to the Senate was simply to indicate to those in the House gallery where the Senate was. So far as I know, no one in the Senate at that time or since, up to the present, had anything but approval for this small gesture of furnishing a brief explanation to visitors, particularly school children.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time, and when the Senate adjourns today, it be to meet next Tuesday morning at 11 o'clock.

### Afternoon Session

#### Third Reading and Final Passage of Bills

SB 112, increasing the powers of the college of advanced science.

SB 126, for the encouragement of community colleges.

SB 130, relative to notice to department of employment security of licensed employment offices.

HB 238, authorizing the town of Exeter to provide life and health insurance for its employees.

HB 389, relating to acknowledgments by persons serving in armed forces or their dependents.

On motion of Senator Paquette, the Senate adjourned at 12:04 o'clock.

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TUESDAY, MAY 16, 1961

The Senate met according to adjournment.

### Guests

As the guest of Senator English, Mr. Harold Savage, Selectman in the town of Rindge.

As the guests of Senator Paquette, 7th grade group from Sacred Heart Academy of Nashua, in charge of Reverend Brother Anthony, S. C.

As guest of Senator Gardner, Police Chief Charles Burditt of Gilford.

### House Message

Mr. President:

The House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bills:

HB 238, authorizing the town of Exeter to provide life and health insurance for its employees.

HB 461, naming an interstate highway.

HB 222, regulating the provisions for selling and serving milk.

HB 118, relative to data processing systems.

HB 288, relative to rules and regulations and permit fees for receiving stations for milk.

HB 276, relative to purchase of milk for resale or manufacture.

The Message further stated that the House of Representatives has voted to concur with the Honorable Senate in the adoption of the following Concurrent Resolution:

Concurrent Resolution congratulating Miss Annette Lambert.

The Message further stated that the House concurs with the Honorable Senate in the passage of the following entitled bill, with amendment, in the passage of which amendment the House asks the concurrence of the Honorable Senate:

SB 45, providing special licenses for lounges at municipal airports.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1 License to Sell Liquor. Amend RSA 178 by inserting after section 5 the following new section: 178:5-a Airport Lounges. The commission may issue a special license to the Manchester Airport Authority, the Lebanon Regional Airport, the Berlin Airport Authority, the Laconia Airport Authority, Concord Airport, and/or the city of Keene for the Dillant-Hopkins Municipal Airport or their designees. Said special license shall permit the licensee to serve liquor and beverages in such rooms as may be designated by the commission only to patrons and bona fide guests and only during the hours set by the commission for such service in private clubs, and only if in said rooms there shall also be served food and coffee. The commission may grant, regulate, suspend or revoke said special license or licenses without affecting any other license and permit which may be granted by said commission in said airport or airports. The fee for any such special license shall be two hundred dollars a year.

Senator Gardner moved that the Senate concur in the adoption of the amendment sent up from the House of Representatives.

Senator English presiding.

Senator Dunlap: "Mr. President, I am in opposition to the motion to concur. The city of Concord has no objection to any of the other cities having the permissive legislation. I think when this was previously considered in this body, it was very clear that there was no sentiment to have liquor served at the



Concord Airport. I also think that some of the people who represent the districts that encompass Concord were agreeably disposed to going along with the bill because it was sponsored by the President and because there was an urgent need submitted by the President in the Manchester case. I think if we can vote down the motion to concur and have this sent to a Committee of Conference, it will be possible to remove the city of Concord from its coverage. I think the record shows pretty clearly that those in the House from Concord voted against the bill. I think that the members in the Senate representing Concord would go along with the bill."

Senator Green: "I support the motion of Senator Gardner. I think that the Senators are well aware that first there was a proposition in the House adding the city of Laconia. I have waited a long time and there has been a long series of errors. First, the Clerk in the House was given the wrong amendment; then an amendment that Laconia wished to be added to it. Then another development — a rumor was made that Concord wished to be included. I would call the attention of the Senators that this is permissive legislation. The fact that whether or not the city of Concord desires such a right is permissive. If this motion is defeated, there will be a Committee of Conference and the only purpose would be to strike out the name Concord. This is permissive legislation. With all respect to the Senator from the 9th District, I don't see that this is of great importance that Concord be stricken out. If Concord does not want to have this right, they do not have to exercise their right. This bill has been on the fire for a long time. Berlin and Manchester have their plans. I appeal to the Senators to adopt the motion of the Senator from the 6th District."

Senator Dunlap: "Is it in order to request that you have the people very acutely affected in Merrimack County or Concord area know of this vote in order that they may vote on this motion? I think that Senator Cleveland and Senator Cheney would have more than a casual interest in this. I don't attempt to speak for the way that they will vote. I agree with Senator Green when he says this is permissive legislation. I also think that so long as it is permissive legislation and because there is apparently a very strong interest by a lot of people in this section not to have another extension of the liquor privileges, that there is no reason in the world why the Senate cannot go along with the interests of this one section. I submit that when

this matter was considered in the Senate there was enough sentiment to oppose the bill entirely. There were certain people who retired from that position because they felt the strong interest on the part of the Senator from the 16th District. I don't think the Committee of Conference would jeopardize the bill. As recorded by the vote in the House, I cannot understand why there is a reluctance to go along with the Committee of Conference."

Senator Drake: "How many municipal airports in New Hampshire are not taken care of in this amended form?"

Senator Green: "None. They have all asked to be included. I have no fear of the question here, except I do think that we have passed permissive legislation in quite a few instances where cities and towns have not requested it; it seems to me to be a deliberate block to go along with the Committee of Conference. If Concord does not want it, they do not have to have it."

(Discussion ensued)

Senator Green presiding.

The President stated that he had been advised that all Senators had been contacted.

Question being on motion of Senator Gardner to concur in adoption of amendment sent up from the House.

On a *viva voce* vote, the Chair was in doubt and requested a Division vote.

Twelve Senators having voted in the affirmative, and eight Senators having voted in the negative, the affirmative prevailed, and the amendment was adopted.

### House Message (continued)

The House of Representatives has voted to adopt the report of the Committee of Conference on the following entitled House Bill:

HB 273, relating to trust companies.

The Committee of Conference to whom was referred House Bill No. 273, An Act relating to trust companies, having considered the same, report the same with the following recommendation:

That the House recede from its position of nonconcurrency and concur in the amendment sent down by the Honorable Senate.

Philip S. Dunlap  
Lucien E. Bergeron  
Conferees on the part of the Senate

L. Waldo Bigelow, Jr.  
Eugene Delisle  
William D. Asby  
Conferees on the part of the House

The Message further stated that the House has passed the following entitled bills and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HB 81, extending the provisions of law relative to accelerated highway and construction and improvement program.

HB 124, to establish a department of safety.

HJR 37, relative to the construction of armories.

### **Read and Referred**

To the Committee on Finance:

HB 81, extending the provisions of law relative to an accelerated highway and construction and improvement program.

To the Joint Committee of Finance and Executive Dept., Municipal & County Government:

HB 124, to establish a department of safety.

The following captioned joint resolution was read a first and second time:

HJR 37, relative to the construction of armories.

On motion of Senator Cheney, the rules of the Senate were so far suspended as to dispense with referral to Committee of the above joint resolution and the joint resolution was placed upon its third reading and final passage at the present time.

### **Third Reading and Final Passage of Joint Resolution**

HJR 37, relative to the construction of armories.

### Committee Reports

Senator Buntin, for the Committee on Agriculture:

HJR 13, authorizing a study of the operation of the milk control act. Ought to pass with amendment.

Amend said joint resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the Department of Agricultural Economics, College of Agriculture, University of New Hampshire, shall make a study of the history, administration and operation of RSA 183 relating to milk control. A report of the results of this investigation shall be filed with the agricultural committee of the House and Senate and a copy thereof shall be filed with the governor not later than June 1, 1961.

The governor is hereby authorized to draw his warrant to reimburse said department for all its costs and expenses in making said study and report.

Senator Dunlap: "Mr. President, the amendment permits the Governor to draw his warrant for expenses. I will speak on the amendment submitted by the Committee. Originally this HJR 13 carried a sum of \$5,000 which amount was appropriated by the Department of Agricultural Economics and the industry people as well as the Governor and Council, and I think, all interested parties settled upon the proposition that the University of New Hampshire was best equipped to conduct the study. The \$5,000 was stricken from the resolution, but the good faith, the University of New Hampshire, after a conference with the administration, set out to make the study and I think has done a very good job. I submit the following:

"Mr. Norman W. Myers, Treasurer of the University, has requested that I advise you of the status of the Milk Control Study conducted by our Department of Agricultural Economics under the immediate supervision of Professor J. R. Bowring.

"The study was initiated immediately following a meeting requested by the Governor at his Executive Office. Present were Professors W. F. Henry and J. R. Bowring, A. L. French of the State Farm Bureau, and myself. Some revision of the Milk Control Law was considered, and it was resolved that our Department of Agricultural Economics would initiate a study

to determine the facts relative to the operations of the Milk Control Board as they affect the New Hampshire dairy industry and consumers. It was agreed that the study should be completed by May 1, 1961 at a cost of not more than \$5,000. The Governor indicated that a Bill would be introduced into the State Legislature asking for such an appropriation. With this encouragement, we immediately activated the study because we realized that it could not be completed by the deadline of May 1 if we delayed starting it.

"Our department of Agricultural Economics acted in good faith and could have made the results of the study available by May 1, had we been assured that funds were forthcoming. As of now, the work could be completed and the manuscript could be typed, mimeographed and distributed in a relatively short time. At the moment the Agricultural Experiment Station is in an embarrassing financial situation and it does not seem wise to assign additional funds to the project.

"Professional people have been released from research projects supported by Federal and State funds. The salaries thus released have been allocated to other projects for such as labor and equipment.

"Expenses incurred to this date follow:

Salaries	\$2,319.99
Labor	776.75
Office Supplies	21.85
Travel	60.11
	<hr/>
Total	\$3,178.70

"Additional costs for completing the study should not exceed \$250. It appears that an appropriation of \$3400 should prove adequate."

The amendment was adopted.

On motion of Senator Dunlap, the rules of the Senate were so far suspended as to dispense with referral of the above joint resolution to the Finance Committee and the joint resolution was ordered to a third reading.

### **Introduction, First & Second Reading of Senate Bills & Joint Resolution**

SB 135, to repeal charters of certain corporations. (Dunlap) To the Committee on Judiciary.

SJR 10, creating the Nashua Airport Authority. (Paquette — Rules) To the Committee on Ways & Means.

### **Committee Reports (continued)**

Senator Bunten for the Committee on Agriculture:

HB 277, relative to grading, packing, shipping and sale of apples. Ought to pass.

Senator Bunten: "Mr. President, eight people appeared in favor of the bill; growers and packers of apples, as well as the Commissioner of Agriculture and others concerned. No one appeared against the bill and the Committee voted that the bill ought to pass."

The bill was ordered to a third reading.

Senator Drake, for the Committee on Fisheries & Game:

HB 51, providing for open season for taking fisher. Ought to pass with amendment.

Amend said bill by striking out section 2 thereof and inserting in place of said section the following:

2 Fisher. Amend RSA 210 by inserting after section 3 the following new section: 210:3-a Open Season. There shall be no open season for fisher, except that fisher may be taken and possessed from November first to November thirtieth with the aid of and by the use of dog and gun and/or traps in the counties of Strafford and Rockingham. All fisher skins shall be sealed within ten days after the close of said season in the same manner and at the same fee as outlined in section 8. Whoever violates the provisions of this section shall be fined not less than ten dollars for the first and not more than fifty dollars for each additional fisher taken and possessed in violation hereof.

On motion of Senator Drake, the reading of the amendment was dispensed with.

Senator Drake: "I will explain the amendment and the bill. After due deliberation, the Fish & Game Committee voted

unanimously the amendment to HB 51 on open season for taking fisher, after the evidence that was presented at the hearing. The fisher is the only natural enemy of the porcupine and deserves our protection. The amendment permits open season only in Rockingham and Strafford Counties inasmuch as these two Counties do not have a large problem as far as their woodlands are concerned."

Senator Monahan spoke in support of the amendment: "Mr. President: I rise in support of the Committee amendment to HB 51, providing an open season for taking fisher.

"During two sessions in the House, I opposed state-wide, open-season bills, which were rejected by the House Committee on Fish & Game. This session, the House Committee, at my suggestion endorsed by others, eliminated the three northern counties with a House-approved amendment.

"The Senate committee has now gone a step further and eliminated all counties, except Strafford and Rockingham in the southeastern corner of the State. House Bill 51, as amended by both committees, has been finally whittled down to proper perspective.

"The original bill was a perfect example of a tail-wagging-dog proposition with the entire state to be penalized by a local situation where the rabbit hunters complained the fisher were getting to the rabbits before they did.

"Mr. President, we cannot complain about the continued destructiveness of the porcupine in so many parts of the state and yet provide an extensive open season on its only natural predator, the fisher.

"I hope the Senate will approve the committee amendment, on which I suspect the House will concur because the only real support for such a bill comes from Strafford County."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Drake, for the Committee on Fisheries & Game:

HB 356, pertaining to processed lobster meat. Ought to pass.

Senator Drake: "Mr. President, this is a simple clarification of the law pertaining to processed lobster meat, and was



requested by the Fish & Game Department. This provides that wholesalers and retailers selling processed lobster meat may ship same into the state, provided they are licensed under the present law. This is necessary to clarify the statutes and makes it easier enforcement of the provisions of the law."

The bill was ordered to a third reading.

Senator Drake, for the Committee on Fisheries & Game:

HB 361, to provide for a maximum size for lobsters. Ought to pass.

Senator Drake: "Mr. President, this is the establishment of provision for oversized lobsters; lobsters of 5 inches, which weight approximately 5 pounds and are considered to be brood lobsters. This would be aimed at draggers. Anything over this size would be protected and would be required to be returned, if caught. The very nature of the lobster trap would prevent taking of lobsters of this size. Most states have this legislation."

Senator Humphreys inquired: "I had understood that this bill would not be aimed at the draggers. Has this bill been amended in any way?"

Senator Drake: "New Hampshire can have no further control other than established as international waters. The bill has not been amended in any way."

Senator Humphreys: "That means that you cannot buy, sell them, or anything else — I am thinking of men in business who buy and sell large lobsters from draggers. This would prevent them from continuing in their business."

Senator Drake: "They are still brood lobsters. I see no reason for traffic in lobsters larger than 5 inches."

(Discussion ensued)

On motion of Senator Humphreys, further consideration of the above bill and committee report was made a Special Order of Business for next Tuesday morning at 11:01 o'clock.

Senator Drake, for the Committee on Fisheries & Game:

HB 362, to provide extra facility licenses for the sale of lobster meat. Ought to pass.

Senator Drake: "Mr. President, this is a very simple bill. It provides extra facility licenses for sale of lobster meat. \$10

good throughout the state. \$10 for out of state and \$5 for each facility. Keeps the present \$2 fee for local. It gives the department a little better control over stores that carry lobster meat."

The bill was ordered to a third reading.

Senator Drake, for the Committee on Fisheries & Game:

HB 260, relative to damage to game and hunting with dogs. Ought to pass with amendment.

Amend section 1 of the bill by striking out in line eleven the words, "bear and" so that said section as amended shall read as follows:

1 Hunting with Dogs. Amend RSA 466:33 (supp) as amended by 1957, 154:1 by striking out the word "April" where it occurs in the fourth and fifth lines and inserting in place thereof the word, January, and by inserting after the word "supervision" in the sixth line the words, and further provided that hares and rabbits may be hunted with dogs during the open season therefor under the owner's control and supervision, so that said section as amended shall read as follows: 466:33 Dogs at Large. It shall be unlawful for the owner or custodian of any self-hunting dog to permit such a dog to run at large in territory inhabited by game birds or quadrupeds, or on lands where sheep are pastured, between January first and September first of any year, provided that bobcat may be hunted between January first and June first with dogs under the owner's control and supervision and further provided that hares and rabbits may be hunted with dogs during the open season therefor under the owner's control and supervision. Provided that any organized club may hold an American Kennel Club licensed or sanctioned field trial on game which is otherwise protected. Said club shall secure permission from the owner of the land on which said trial is to be held, and shall notify the director of the fish and game department, at least two weeks in advance, of the date and place of the trial. Whoever violates the provisions of this section shall be fined not more than twenty dollars.

On motion of Senator Drake, the reading of the amendment was dispensed with.

Senator Drake: "Mr. President, the amendment simply eliminates the words, bear and. These words were unintention-

tionally added to this bill. This prohibits any hunting with dogs from January 1st to September 1st. This is to protect the deer during the season when they are most vulnerable."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Buckley, for the Committee on Public Works:

SB 14, changing the classification of a highway in the town of Haverhill. Ought to pass.

Senator Dunnington: "Mr. President, this bill involves a re-classification of a very short section of road in the town of Woodsville. At the hearing, our Public Works Department opposed this measure, but our Committee felt that in this particular case, there were a number of unusual circumstances and we voted the bill as ought to pass."

Senator Battles inquired of Senator Dunnington: "Why did the Department of Public Works oppose this bill?"

Senator Dunnington: "This is a class II highway being paid partly by the tax payers in Haverhill. However, there is a bad section of the road badly congested, where there are two very sharp turns. I suppose they opposed it because it is contrary to usual procedure."

Senator Battles inquired: "Is there any expenditure of money by the Public Works Department?"

Senator Dunnington: "Yes, it would cost in the vicinity of \$100,000."

Senator Battles: "Will this bill go to the Finance Committee?"

The President stated that the bill carried no appropriation.

Senator Battles moved that the bill be referred to the Committee on Finance.

Senator McMeekin: "Mr. President, there is quite a history to this whole thing. Originally, the main street of Woodsville was a class IV highway. But under the change of population, it became a class V highway. It is a part of route 302. I talked with the Highway Department two years ago about

making this a class I highway. Mr. Johnson suggested that we go along to make it class II. It is approximately three miles of road. The town of Haverhill and a town in Vermont own the bridge and they have spent \$69,000 to make that a class II. The state has taken over the bridge and a part of the main street. . . .”

Senator Battles inquired if Senator McMeekin would oppose the motion to refer the bill to the Finance Committee.

Senator McMeekin stated that he did not think it necessary.

(Discussion ensued)

Senator Humphreys inquired: “Either at the hearing on this bill or from knowledge that you may have, do you know how many similar situations there are?”

Senator Dunnington replied: “I would imagine there would be a sizeable number.”

Question being on motion to refer the bill to the Finance Committee.

On a *viva voce* vote, the Chair was in doubt and requested a Division vote.

Six Senators having voted in the affirmative, and twelve Senators having voted in the negative, the negative prevailed, and the motion was defeated.

On a *viva voce* vote, the bill was ordered to a third reading.

Senator Buckley, for the Committee on Public Works:

SB 85, relative to classification of a highway in the towns of Greenfield and Francestown. Inexpedient to legislate.

Senator Dunnington: “Mr. President, this is another reclassification bill. This involved a second road up Crotched Mountain. This would be on the other side. At the hearing, no one appeared in favor. The Board of Selectmen for Frances-town stated that the cost would be \$100,000, and Frances-town would have to pay one-half that amount. They opposed the spending of \$50,000 in that section. One or two others also opposed.”

Senator English: "Mr. President: I arise in opposition to the Committee report 'Inexpedient to Legislate'. I feel that Crotched Mountain Rehabilitation Center has grown in size and is serving an increasing number of people in this state and outside. Having a second means of access aside from being a convenience to the public would offer additional protection in the event of fire. I feel this bill has real merit."

Senator Dunlap: "Mr. President, I feel compelled to say one or two words on this. The Senator of the 9th District was interested in this bill. The Crotched Mountain installation is a very valuable place, not only to people of New Hampshire, but also throughout the country. It was felt that this second road was a need for safety. I did not understand when the bill was introduced that it was going to run into this kind of money. My understanding was that this was going to be done by the Highway Department and for a safety point of view. When the Committee heard the testimony, I am very frank to say that it is not the kind of thing to warrant telling the State of New Hampshire to spend this amount for."

Senator Holmes: "Mr. President, I wish to be recorded as voting for this bill. This is in my District, and I feel very strongly that this goes far beyond the local matter. I think it serves the whole State and the Nation. This should not be considered as a local matter. I was not at the hearing but I felt that the Crotched Mountain staff would be present, but they were not. I feel very strongly that Crotched Mountain is no longer a local matter."

On a *viva voce* vote, the recommendation of the committee was adopted.

Senator Dunnington, for the Committee on Public Works:

SB 115, changing classification of Thompson Avenue. Inexpedient to legislate.

Senator Dunnington: "Mr. President, this is another reclassification. Concerns a fairly short road in the town of Hooksett. This Avenue, if reclassified, would be a definite advantage to the local people in that particular area, but there are other roads both sides of it, and would not be helpful on a state-wide basis."

On a *viva voce* vote, the recommendation of the committee was adopted.

Senator Dunnington, for the Committee on Public Works:

SB 117, to repeal chapter 264 of the Laws of 1921. Ought to pass.

Senator Dunnington: "Mr. President, this bill was introduced by the Representative of Goffstown. There is a law at the present time on the books stating that any laying out of roads in this town has to be approved by the Board of Selectmen. A few years ago, a zoning ordinance was passed which makes it unnecessary for this law, so they asked to have this law repealed."

The bill was ordered to a third reading.

Senator Buckley, for the Committee on Transportation:

SB 123, to impose an operating fee on aircraft. Ought to pass.

The report of the Committee was accepted, and the bill was referred to the Committee on Finance under the rules.

### Committee of Conference Report

The Committee of Conference, to whom was referred House Bill No. 273, An Act relating to trust companies, having considered the same, report the same with the following recommendation:

That the House recede from its position of nonconcurrency and concur in the amendment sent down by the Honorable Senate.

L. Waldo Bigelow, Jr.

Eugene Delisle

William A. Asby

Conferees on the part of the House

Philip L. Dunlap

Lucien E. Bergeron

Conferees on the part of the Senate

At the request of Senator Dunlap, the President declared a one minute Recess.

(Recess)

The Senate reassembled.

Senator Dunlap: "Mr. President, this bill has to do with the par value of trust companies organized under the banking

laws of New Hampshire. The original bill called for a change in the par value of trust companies to a \$1 par value instead of higher limitations which have been set up over the years. It increased the number of people who might own stock in trust companies. It also provides that no new trust companies shall be organized without certain qualifications. Provides a minimum of \$25,000. We amended it to read for a minimum of \$50,000. The House objected and wanted it returned to \$25,000. The Senate provision was acceded to by the House. I move the adoption of the report of the Committee of Conference."

On a *viva voce* vote, the report of the Committee of Conference was adopted.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills and Resolutions:

HB 36, relative to the transportation of deer.

HB 118, relative to data processing systems.

HB 142, prohibiting hunting and the use of firearms in the town of New Castle.

HB 149, relative to the salary of the justice and special justice of the Dover Municipal Court.

HB 154, relative to ranch bred mink.

HB 226, providing for a closed season on black bear.

HB 238, authorizing the town of Exeter to provide life and health insurance for its employees.

HB 265, providing penalties for illegal operation of boats.

HB 276, relative to purchase of milk for resale or manufacture.

HB 288, relative to rules and regulations and permit fees for receiving stations for milk.

HB 311, to permit the waiver of hearing before the public utilities commission when all parties are in agreement.

HB 333, relating to appeals from municipal courts.

HB 359, to provide for the sale of quail.



HB 389, relating to acknowledgments by persons serving in armed forces or their dependents.

HB 409, relative to election of school district officers at town meeting.

HB 461, naming an interstate highway.

SB 113, relative to foster day care homes.

SB 124, to validate the annual meeting of Allenstown School District.

SJR 5, in favor of Berton B. Hiller.

HB 204, relating to banks and building and loan associations.

HB 269, relative to financing industrial waste treatment facilities.

HJR 37, relative to construction of armories.

Robert S. Monahan  
For the Committee

### **Special Order of Business at 11:01 O'clock**

Senator Caron called for the Special Order of Business.

Being consideration of bill and committee report on:

SB 120, relative to jurisdiction of director of tobacco products division.

On motion of Senator Caron, the above entitled bill was ordered to a third reading.

### **Special Order of Business at 11:02 O'clock**

Senator Eaton called for the Special Order.

Being consideration of bill and committee report on:

SB 129, relative to the department of Employment Security.

Senator Eaton: "Mr. President, when this bill came in last Thursday, my query at that time was, does this by-pass the provisions of Personnel Division Classification System? I have discovered that this is exactly what it does. If these men, con-

sidered in this bill, are doing the job that they are supposed to be doing, and I have no doubt that they are, in my opinion, there are three ways to handle this situation:

1. They can be unclassified.
2. They can be classified and the page footnoted to give them the same security as the classified employees.
3. They can be appointed as Deputy or Assistant Attorney Generals.

Federal funds will reimburse the State. It would seem to me that by this measure, you are upgrading these men, but breaking down the classification system."

Senator Buckley offered the following amendment:

Amend Senate Bill No. 129 by striking out all after the enacting clause and insert in place thereof the following:

1. General Counsel of the Department of Employment Security. There shall be a general counsel of the department of employment security and the legal affairs of said department shall be under his direction and control. The commissioner of the department of employment security, subject to the approval of the governor, shall appoint the general counsel who shall be licensed to practice law in New Hampshire and shall have been engaged in the practice of law for not less than five years, and who shall hold office during good behavior. The general counsel may be removed by the governor and council only as provided in R.S.A. 4:1. All provisions of R.S.A. 94 (supp) which apply to the position of assistant attorney general shall equally apply to the position of general counsel. On the effective date of this act the attorney III in the department of employment security shall become the general counsel and shall be placed in the corresponding step in the new salary range as his length of service justifies.

2. Counsel. There shall be one or more counsel in the department of employment security under the direction and control of the general counsel. The counsel shall be appointed by the commissioner of the department of employment security and shall be licensed to practice law in New Hampshire and shall have been engaged in the practice of law for not less than three years, and who shall hold office during good be-

havior. The counsel may be removed by the governor and council only as provided in R.S.A. 4:1. All provisions of R.S.A. 94 (supp) which apply to the position of assistant attorney general shall equally apply to the position of counsel, except that the annual salary shall in each step be seven hundred dollars less. On the effective date of this act the attorney II in the department of employment security shall become counsel and shall be placed in the corresponding step in the new salary range as his length of service justifies.

3. Takes Effect. This act shall take effect July 1, 1961.

Senator Buckley: "Mr. President, this, in effect, places these two lawyers in this department in the same status as the assistant attorney general. It unclassifies them."

(Discussion ensued)

Senator Sawyer: "When this hearing was held, there appeared before the committee only the lawyers involved and the head of the security employment service. Since then I have learned that the personnel division would have liked to appear and discuss their views. I think it would be wise to refer this bill back to the committee for further consideration. I move that the bill be recommitted to the committee on Executive Dept., Municipal & County Government."

Senator Cleveland stated that he would oppose the motion of Senator Sawyer as he felt this was unnecessary. Stated that he would suggest that the amendment be printed in the Journal and further consideration be made a Special Order of Business for tomorrow at 11:01.

Senator Monahan spoke in support of the motion to recommit the bill.

Senator McMeekin spoke in support of motion to recommit.

Senator Sawyer: "Mr. President, I will withdraw my motion to recommit the bill and move that the amendment be printed in the Journal and made a Special Order of Business for 11:01 on Thursday."

On a *viva voce* vote, the affirmative prevailed, and the motion for Special Order carried.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time.

### **Afternoon Session**

#### **Third Reading and Final Passage of Bills & Joint Resolution**

SB 14, changing the classification of a highway in the town of Haverhill.

SB 117, to repeal Chapter 264 of the Laws of 1921.

SB 120, relative to jurisdiction of director of tobacco products division.

HB 51, providing for open season for taking fisher.

HB 260, relative to damage to game and hunting with dogs.

HB 277, relative to grading, packing, shipping and sale of apples.

HB 356, pertaining to processed lobster meat.

— HB 362, to provide extra facility licenses for the sale of lobster meat.

HJR 13, authorizing a study of the operation of the milk control act. On motion of Senator Paquette, the Senate adjourned at 1:35 P.M.

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WEDNESDAY, MAY 17, 1961

The Senate met according to adjournment.

### **Leave of Absence**

Senator Cheney was granted leave of absence for the day because of important business.

### **Guests**

As guests of the entire Military & Veterans Affairs Committee, Senator McMeekin, Chairman, and in recognition of this

being Armed Forces Week, Lieut. Commander Dorothy M. Corbett, Supply Corps. U.S.N.R. Captain Stella V. Jatkicz, New Hampshire Air National Guard, 157th U.S.A.F. Dispensary, Grenier Field, Manchester; and S/Sgt. Jennie E. Clark, 392nd Signal Battalion Support, Concord, N. H.

As the guest of Senator Buckley, Mr. Walter Tuson of Salem.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 158, relative to policemen's retirement system, 30 year plan.

HB 210, relative to cooperative school districts.

The Message further stated that the House has voted to concur with the Honorable Senate in the passage of the following captioned joint resolution, sent down from the Honorable Senate:

SJR 3, to provide for the appointment of an interim commission on education to study the organization of school districts and the higher educational facilities in the state.

The Message further stated that the House refuses to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 86, relative to the term of office of highway agents in the town of Freedom.

The Message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill, with amendment, in the passage of which amendment the House asks the concurrence of the Honorable Senate:

SB 108, relating to permanent police officers.

Amend section 1 of said bill by striking out the words and figures "appointed a permanent police officer under the provisions of 105:1" in the second and third lines and in the sixth

and seventh lines and inserting in place thereof the words and figures, any full time police officer appointed under the provisions of RSA 105:1 (supp), 1957, 206:1, so that said section as amended shall read as follows:

1 Police Officers. Amend RSA 41:48 by inserting after the word "hereof" in the second line the words, or any full time police officer appointed under the provisions of RSA 105:1 (supp), 1957:206:1, so that said section as amended shall read as follows: 41:48 Tenure of Office. Any permanent constable or police officer elected in conformity to a town vote, as provided in section 47 hereof, or any full time police officer appointed under the provisions of RSA 105:1 (supp) 1957, 206:1, shall continue to hold such office during good behavior unless sooner removed for cause by the selectmen, after notice and hearing, or unless the town has rescinded its action as hereinbefore provided. Any such elected permanent constable or police officer shall be deemed to be a permanent policeman, and entitled to benefits, under the provisions of RSA chapter 103, if otherwise qualified.

On motion of Senator Lamontagne, the Senate voted to concur in the adoption of the amendment sent up from the House.

The Message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

HB 149, relative to the salary of the justice of the Dover municipal court.

HB 226, providing for a closed season on black bear.

The Message further stated that the House concurs with the Honorable Senate in the passage of the following entitled bill, with amendment, in the passage of which amendment the House asks the concurrence of the Honorable Senate:

SB 98, relative to mufflers on motor vehicles.

Amend paragraph IV of section 1 of the bill by striking out the last sentence, so that said paragraph as amended shall read as follows:

IV A muffler is a device consisting of a series of chambers, or baffleplates, or other mechanical design for the purpose of receiving exhaust gases and effectively reducing noise.

On motion of Senator Buckley, the Senate voted to non concur in the adoption of the amendment sent up from the House and ask for a Committee of Conference.

Pursuant to the above, the President named as members of such Committee of Conference on the part of the Senate, Senators Buckley and Lamontagne.

The Message further stated that the House of Representatives has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following entitled Senate Bill, in the adoption of which amendments the House asks the concurrence of the Honorable Senate:

SB 89, to amend the Charter of Cheshire County Savings Bank.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1 Cheshire County Savings Bank. Amend chapter 193 of the Laws of 1897, as amended by chapter 434, Laws of 1955, being the charter of the Cheshire County Savings Bank of Keene, as follows:

I. By striking out in section 2 thereof the following

Further amend said section 1 by striking out the twelfth line and inserting in place thereof the following:

II. By striking out in section 4 thereof the

Further amend said section 1 by striking out the paragraph numbered c and inserting in place thereof the following:

III. By striking out section 5 and inserting in place thereof the following: Sect. 5. Said trustees shall qualify in the manner prescribed by law. They shall annually elect from their membership a Chairman of the board, a vice chairman of the board and a president. They shall also annually elect a vice president, a treasurer, a secretary and such other officers as may be necessary for the proper management of the business of said bank, and may remove the same at pleasure. A majority of the trustees shall constitute a quorum.

Further amend said section 1 by striking out the twenty-sixth line and inserting in place thereof the following:



#### IV. By striking out in section 6 thereof the

Further amend said section 1 by striking out the thirtieth and thirty-first lines and inserting in place thereof the following:

V. By striking out section 7 and inserting in place thereof the following: Sect. 7. All meetings of

On motion of Senator Eaton, the reading of the amendments was dispensed with.

Senator Eaton: "Mr. President, these are technical changes that refer back to the Laws of 1897. I move that the Senate concur in the adoption of the amendments offered by the Committee on Engrossed Bills."

Senator Monahan: "Mr. President, I have no objection. The situation is exactly as explained by the Senator from the 10th District."

On a *viva voce* vote, the Senate concurred in the adoption of the amendments.

### Read and Referred

To the Committee on Finance:

HB 158, relative to policemen's retirement system, 30 year plan.

To the Committee on Education:

HB 210, relative to cooperative school districts.

### Introduction, First & Second Reading of Senate Bill

SB 136, making a legislative finding of fact relating to Communism; requiring the teaching of a course of study in the public schools entitled "Americanism versus Communism"; requiring the department of education of the State of New Hampshire to provide text materials and establish standards for the selection of such materials; and repealing all laws or parts of laws in conflict herewith. (Lamontagne) To the Committee on Education.

### Committee Reports

Senator Bunten, for the Committee on Agriculture:

HB 323, defining agriculture, farming and farms. Ought to pass.

Senator Bunten: "Mr. President, there was no opposition. Several appeared for the bill. The bill clarifies some of the situations which exist, one being in the motor vehicle department. It just spells out what farming is and what agriculture means thereby the department will know what is to be classified as an agricultural plate."

The bill was ordered to a third reading.

Senator Bunten, for the Committee on Agriculture:

HB 186, relative to licensing and bond for poultry dealers. Ought to pass.

"Senator Bunten: "Mr. President, this is a bill that would affect the poultry growers more than anything else. It increases the bond that the larger poultry dealers have to have; a minor increase. It also refers to two classes of bonding; the smaller dealers no longer need it; the larger ones can be bonded as high as \$50,000."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 433, legalizing the proceedings of the annual school district meeting held in the town of Northwood. Ought to pass.

Senator English: "Mr. President, may I make comment in regard to HB 438, legalizing the proceedings of the annual school district meeting held in the town of Antrim on March 13, 1961, at the same time as I do on HB 433. Both of these are the very familiar legalizing bill. There was no opposition to either."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 438, legalizing the proceedings of the annual school district meeting held in the town of Antrim on March 13, 1961. Ought to pass.

As explained by Senator English above, the bill was ordered to a third reading.

Senator English offered the following Senate Resolution:

### Senate Resolution

*Whereas*, Ralph E. Boynton, a citizen of Jaffrey has served his town with distinction as selectman for twenty-seven years and held numerous other offices, such as library trustee, water commissioner, and founder of the Jaffrey Historical Society, and

*Whereas*, the citizens of the town of Jaffrey are honoring him next week as one of their most distinguished citizens, Now Therefore Be It:

*Resolved*, that the Senate of the State of New Hampshire adds its felicitations and commendations to one who has over the years served his town, his community and his county in a most exemplary way.

Senator English: "Mr. President, as the Resolution points out the citizens of Jaffrey are honoring Mr. Boynton and it would be appreciated if this Resolution might be received from the Senate. Mr. Boynton is very highly regarded in Jaffrey and the town is very proud of his long service."

On a *viva voce* vote, the above Resolution was unanimously adopted.

Senator Battles offered the following Concurrent Resolution, which was unanimously adopted:

### Concurrent Resolution

*Resolved*, that the General Court meet on Wednesday, May 31, Thursday, June 1, and Friday, June 2, at the usual hour of eleven o'clock. There will be no session on Tuesday, May 30, in view of the fact it is Memorial Day.

The President recognized Senator Eaton: "Mr. President, under personal privilege, I just wish to say that I was a member of the peace time Army in 1939. At that time, many of the so-called old fogies were against women entering the service. At that time, I was very much in favor of ladies in uniform and after seeing these lovely ladies here today, I am very happy that I was for them in 1939."

Senator Holmes: "Thank you, Senator Eaton. I wish to express my thanks to you for your attitude toward women in the services. I wish to state that it is much appreciated by those interested in service women."

### **Personal Privilege**

The President recognized Senator Eaton on a matter of personal privilege:

"Mr. President, Personal Privilege: — There has been a great deal of rumor and rumors of rumors concerning the dire predictions of what is happening to House Bill 178, the so-called anti-discrimination bill. Let us get the record straight. This bill from the time of referral to Committee in the House, to posting for hearing took 51 calendar days. From time of referral to Committee to date of reporting out on the floor of the House took 81 days — It was referred to my Committee May 11 and will be posted for hearing within 20 odd days from date of referral.

"No individual or group of individuals other than a majority of the Senate is going to stampede our normal course of business. Our Committees regular posting of bills that precede HB 178 will continue in the normal order of precedence. This Committee at present has seven bills that have been referred to it, previous to HB 178. In addition, as all Senators well know, there must of necessity, because of the number of Committees each Senator serves on, be coordination between the various Committee Chairman in order that there not be interference with each others Committees and that on important issues of this nature we be assured of at least a Committee quorum. Let me emphasize again that HB 178 will not be pocket vetoed, and will receive a normal hearing, in the normal order of business and I feel quite sure that after I confer with my Committee members for possible conflicts, that it will be posted not later than the first week of June."

### **Personal Privilege**

The President recognized Senator Drake, under personal privilege:

"Mr. President, yesterday in examining into some procedures that have been established over a period of 10 years by the Personnel Commission, it came to my attention that there was a change in regulation covering appointment to jobs. Seeing that we have had some legislation here dealing with cut-off aid in positions, and in view of this new procedure, I think this Senate should take a good hard look at these changes. Prior to last week, the five top candidates were the ones submitted

to the department. That has been changed so that now the entire list of candidates goes to the department. That became effective as of last Friday. Many are not aware of this change. I think we should examine pretty closely all legislation, as I would hate to see this merit system destroyed."

Senator Holmes presiding.

Senator Caron inquired of Senator Drake: "May I inquire where this information came from?"

Senator Drake replied: "From the Director of the Personnel Commission yesterday afternoon. This was established by the Personnel Commission effective as of last Friday. This was due to a request from the employment security, relative to reclassification. Reluctantly, the Personnel Commission made this ruling until a proper amendment could be submitted to the Governor and Council."

Sentor Humphreys inquired: "Do you contemplate introducing any legislation that will clarify that law?"

Senator Drake: "I am studying the possibility right now. If there is not some correction made to this within the next few days, I believe I will introduce a resolution."

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time.

### Afternoon Session

#### Third Reading and Final Passage of Bills

HB 186, relative to licensing and bond for poultry dealers.

HB 323, defining agriculture, farming and farms.

HB 433, legalizing the proceedings of the annual school district meeting held in the town of Northwood.

HB 438, legalizing the proceedings of the annual school district meeting held in the town of Antrim on March 13, 1961.

The President: "It has been requested that we do not adjourn as we are waiting for the presentation of the record covering Commander Shepard's flight into space on May 5th, to be presented by Columbia Records. Do you wish to remain quietly or Recess?"

On motion of Senator Caron, the President declared a two minute Recess.

(Recess)

### Presentation

The President in the Chair.

### Guests

The President welcomed to the Senate and introduced the following:

Ernie Coleman, Sal Ingeme and Burt Whitman of Columbia Records, and Bill Clark and Bill Morency of radio station WKBR.

Sal Ingeme then presented to each member of the Senate an actual recording of the entire trip of Commander Alan B. Shepard, Jr. of Derry, on his recent journey into space at 9:34 A.M. on May 5, 1961, covering from the time of the count-down before takeoff and ending with his return, together with a picture of Commander Shepard and his space vehicle. These records were the gift of Columbia Records who felt that it was only fitting and proper that these records should be presented to the members of the New Hampshire State Senate.

The President expressed his thanks and appreciation on behalf of the Senate to the producers of Columbia Records, stating that they would be treasured by all.

The Senate gave a rising vote of thanks to the gentlemen above.

The Senate reassembled.

Senator Paquette did yield to Senator Holmes, and on motion of Senator Holmes, the Senate adjourned at 12:10 o'clock, in recognition of Armed Forces Day.

THURSDAY, MAY 18, 1961

The Senate met according to adjournment.

### Guests

As the guests of Senator English, his wife, Mrs. English, and friend Mrs. Alfred Russ of Hancock.

As the guests of Senator Dunlap, Mr. John Fessenden, Instructor in Social Studies, in charge of members of the Henniker High School History Class, Jack McGregor, John Gregory, Barbara Paquin, Roberta Hazen, Patty Paulsen, Kenneth Howes, Lori Hadley, Anne Sanborne, Jim Rowe, Bob Fitch, Bob Brown, Richard Boynton, Virginia Arnos, Patricia Goodrich, Samuel T. Kiellman, Don R. Morrissey, Pierrot Holton, Richard L. Edmunds, Sandra Wheeler.

As guests of Senator Monahan, a group from Dartmouth Young Republican Club, Hanover, N. H., Messrs. George E. Douglas, Hinsdale, Illinois; John P. Howland, Port Washington, Long Island, New York; George G. Kitchin, Milton, Mass.; Henry E. Clay, Hamilton, Mass.; and Phillip B. Cleaves, Weymouth, Mass.

As the guest of Senator Holmes, Mr. William Abbott Cheever of Amherst.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 201, providing for the classification of the surface waters of the Lake Massabesic watershed.

HB 190, in amendment of Chapter 328, Laws of 1951, creating the New Hampshire Business Development Corporation.

HB 264, relating to constitutional conventions.

HB 436, authorizing cities and towns to construct moving sidewalks.

HB 235, to include wild animals with respect to open season.



HB 174, relative to the salary of the sheriff of Rockingham county.

HB 189, relating to the salaries of the Rockingham county commissioners.

HB 417, relative to reclassification of roads in Colebrook and Stewartstown, and the East Side River Road in the town of Milan.

The Message further stated that the House has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

HB 260, relative to damage to game and hunting with dogs.

The Message stated that the House refuses to concur with the Honorable Senate in the adoption of amendment to the following captioned joint resolution sent down from the Honorable Senate and asks for a Committee of Conference:

HJR 13, authorizing a study of the operation of the milk control act.

The Speaker has appointed as Conferees on the part of the House, Messrs. Adams of Madbury; Robertson of Gilman-ton; and Dempsey of Franklin.

On motion of Senator Bunten, the Senate voted to accede to the request of the House for a Committee of Conference on the above captioned joint resolution.

Pursuant to the above, the President appointed as members of such Committee on the part of the Senate, Senators Bunten and Dunlap.

### **Read and Referred**

To the Committee on Resources, Recreation & Development:

HB 201, providing for the classification of the surface waters of the Lake Massabesic watershed.

HB 174, relative to the salary of the sheriff of Rockingham county.

To the Committee on Judiciary:

HB 190, in amendment of Chapter 328, Laws of 1951, creating the New Hampshire Business Development Corporation.

HB 264, relating to constitutional conventions.

HB 436, authorizing cities and towns to construct moving sidewalks.

HB 189, relating to the salaries of the Rockingham county commissioners.

To the Committee on Fisheries & Game:

HB 235, to include wild animals with respect to open season.

To the Committee on Labor:

HB 417, relative to reclassification of roads in Colebrook and Stewartstown, and the East Side River Road in the town of Milan.

### **Introduction, First & Second Reading of Senate Bill**

SB 137, relative to chiropractice and the duties of the board of examiners. (Battles, by request. — Rules) To the Committee on Public Health, Welfare & State Institutions.

### **Committee Reports**

Senator Dunlap, for the Committee on Banks & Insurance:

SB 133, to enlarge the rights of students under twenty-one years of age to contract to borrow money to finance higher education. Ought to pass.

Senator Dunlap: "Mr. President, this bill would enable a minor, a person under twenty-one years of age, to legally contract debts in connection with a higher education. As is well known to the Senate, the present law is that no minor, under twenty-one years of age, can be bound or held accountable under terms of a contract because he is not legally qualified to contract. In neighboring states, Vermont and Maine, there has been developed a splendid plan. In Maine, there has been set up a \$80,000 fund to guarantee this type of loan. The student is eligible only to borrow the last three years, and not eligible to borrow for the freshman year. He may go to any bank, and

if he gets a favorable reaction, that bank would presumably loan him money at the usual interest rate. Now, a part of the bill that I think the Senate should know about. We are acting here in the legal field and when we reduce the legal age for contract, I think it is a very important business. The bank might then loan money to this student, money for his expenses and if there is any difficulty, the bank would have the chance of calling upon this trust set up. There is a great deal of interest in New Hampshire and we are all interested in youth. I think there will be no trouble in getting this account established. The banking industry is interested and interest will be at 4%, where the going rate is now 6%. Senator Holmes, the sponsor of the bill, spoke in support; Attorney Struckhoff, a trustee of the Spaulding Charitable Trust; Attorney Godfrey, representing the New Hampshire Bankers Association; Attorney Reno, Concord; Senator Monahan; and Mr. Meyer, Treasurer of the University of New Hampshire, all in favor of the bill."

Senator Monahan: "Mr. President, I have followed this bill for several good reasons. Senator Dunlap has explained it fully and to my satisfaction. I strongly support the Committee report."

The bill was ordered to a third reading.

Senator Dunlap, for the Committee on Banks & Insurance:

HB 393, relative to assessments by insurance firms. Ought to pass with amendment.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Fees. Amend RSA 405 by inserting after section 37 thereof, the following new section 405:38 Fees. No fee for the license aforesaid shall be required of any agent of an insurance company whose license fees as such agent amount to ten dollars; and in case his license fees as such agent are less than ten dollars, then he shall be required to pay such amount as with such fees shall amount to ten dollars.

2 Takes Effect. This act shall take effect upon its passage.

On motion of Senator Dunlap, the reading of the amendment was dispensed with and he explained: "Mr. President, this bill as passed by the House received an unfavorable recep-

tion in the Senate committee. The Chairman of the House Committee appeared and stated that if he had known about certain things, it probably would not have passed the House. The Commissioner of Insurance and Mr. McGown, a general agent in New Hampshire, appeared against the bill, as well as the Chairman of the House Committee. Senator Bergeron has been interested in a matter that has to do with the licensing of insurance agents and I think this should be explained briefly. The last session, during the course of raising fees pretty generally to increase revenue RSA 405 was amended so as to provide that an insurance agent would pay a \$10 license fee and it was further amended that if an agent was also a broker, he would pay the second \$10 fee. Senator Bergeron found that this was not in the best interest and it is my understanding that he discussed this with the Chairman of the House Committee. So what we have done, we have provided under this bill, relief of the payment of the \$10 license fee on the part of the broker if he has previously paid the \$10 fee as an agent. I would refer further to Senator Bergeron."

Senator Bergeron: "Mr. President, all I need to add to this explanation is that before the 1959 session, it was on the books that if an agent paid the \$10 in fees, he was entitled to a broker's license."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Buckley, for the Committee on Public Works:

SB 74, relative to completion of state highway project in the town of Andover. Ought to pass with amendment.

Amend section 1 of said bill by inserting at the end thereof the following words, provided however that the commissioner shall not proceed with said completion unless it qualifies for matching federal funds, so that said section as amended shall read as follows:

1 State Highway Project. The commissioner of public works and highways is directed to proceed with the completion of the state highway project at Potter Place in the town of Andover in accordance with plans as submitted by the public works and highways department at the public hearing held relative to said project, provided however that the commis-

sioner shall not proceed with said completion unless it qualifies for matching federal funds.

Senator Dunnington: "Mr. President, this bill in its original form called for the construction of a new access road in the town of Andover. This was objected to by the Highway Department on the basis of no actual traffic. They do own the land there and this road is in the long term plan by the Department. An amendment was brought in by the sponsor of this bill which was approved by the Highway Department, saying that this extra road would be completed when federal funds were available."

Senator Battles inquired: "Is the Highway Department now in accord with this bill?"

Senator Dunnington: "Yes, they are."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 135, relative to powers of county convention over appropriation transfers. Ought to pass.

Senator English: "Mr. President, the convention may require the county commissioners to obtain written authority from the executive committee before transferring any part of the funds thereof. They may not increase the county budget, unless in case of an emergency, and following executive hearing."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 328, relative to salaries of Hillsboro county commissioners. Ought to pass.

On motion of Senator Caron, further consideration of the above entitled bill and the committee report was made a Special Order of Business for next Tuesday morning at 11:02 o'clock. This motion was supported by Senators Holmes and Daniel.

Senator Phillips, for the Committee on Judiciary:

HB 444, legalizing Walpole Village District meeting held on April 7, 1961. Ought to pass.

Senator English: "Mr. President, in order to save time, may I explain HB 444 and 445 at the same time. There were two Walpole Village District meetings which the town has asked to be legalized."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 445, legalizing the Walpole Fire District meeting held on April 7, 1961. Ought to pass.

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 199, relating to the salaries of mayor and councilmen of the city of Franklin. Ought to pass with amendment.

Amend section 1 of said bill by striking out in line three thereof the words "the sum of fifteen dollars" and substituting in place therefor the words, a sum to be established by the council after notice and public hearing, so that said section as amended shall read as follows: 1 Payment to Councilmen. Amend chapter 260 of the laws of 1893 by inserting after section 11 the following new section: 11-a Each councilman shall be paid from the city treasury a sum to be established by the council after notice and public hearing for each regular monthly meeting of the city council which he attends, but not exceeding twelve meetings in any year. Said sums shall be paid to each councilman quarter-annually and shall be in full payment for all services of any and every kind rendered by him as councilman.

Further amend said bill by striking out in lines four and seventeen of section 2 thereof the words "of two thousand dollars" and substituting in place therefor the following, to be established by the council after notice and public hearing, so that said section as amended shall read as follows: 2 Salary of Mayor. Amend section 12 of chapter 260 of the laws of 1893 by striking out the last sentence and inserting in place thereof the following: The mayor shall be paid out of the city treasury an annual salary to be established by the council after notice and public hearing, payable quarter-annually, which shall be in

full for all services of any and every kind rendered by him in said office. The mayor shall not be paid any fixed sum as an expense account but shall be reimbursed only for such specific expenses made by him in connection with his office as may be authorized and approved by the council prior to being incurred, so that said section as amended shall read as follows: Sec. 12 The mayor of said city shall be chosen annually, and shall have a negative upon all the actions of the council to which his veto power would extend had the city government herein constituted provided for a board of aldermen. He shall preside in the meetings of the city council, but shall have no vote except in case of an equal division. In his absence the council may elect one of their number chairman, who shall have all the powers and perform all the duties of mayor during his absence or disability, or a vacancy in said office from any cause. The mayor shall be paid out of the city treasury an annual salary to be established by the council after notice and public hearing, payable quarter-annually, which shall be in full for all services of any and every kind rendered by him in said office. The mayor shall not be paid any fixed sum as an expense account but shall be reimbursed only for such specific expenses made by him in connection with his office as may be authorized and approved by the council prior to being incurred.

On motion of Senator Cleveland, the reading of the amendment was dispensed with.

Senator Cleveland: "Mr. President, I will explain the amendment, and in explaining it, I am explaining the bill. As it came from the House, it set the salary of the mayor at \$2,000 and it also set the salaries for the councilmen at \$15. This amendment takes out the \$2,000 and the \$15 and provides that the salaries will be set after public hearing by the council. This writes into the law the matter of home rule in the city of Franklin. The bill is still necessary because the original charter actually established the salary of the mayor."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator English, for the Committee on Claims:

HJR 22, in favor of Florence Pushee. Ought to pass.



Senator English: "Mr. President: Mrs. Florence Pushee was seriously injured under the following circumstances:

"Her daughter had first attempted to cross a small bridge over a swollen stream and had returned fearful seeking the aid of her parents. In the attempt of the family to cross the bridge the child, the mother and father were swept into the stream. Mother and child were saved but Mr. Pushee was drowned.

"This event occurred during heavy rains. An upper beaver dam had given way which in turn caused the breaking of the second beaver dam.

"The committee felt that these extraordinary circumstances would, as a matter of equity, prompt reimbursement to actual out-of-pocket medical expenses of Mrs. Pushee. No compensation was under consideration for the loss of her husband. The committee agreed with the House that compensation amounting to \$875 should be paid from Fish and Game Funds."

Senator Monahan: "Mr. President, this occurred in my District. I am familiar with the surroundings, the circumstances and the family. I was at the hearing yesterday and support the motion."

On motion of Senator English, the rules of the Senate were so far suspended as to dispense with the above joint resolution being referred to the Finance Committee and the joint resolution was ordered to a third reading.

Senator English, for the Committee on Claims:

HJR 31, in favor of Nathan and Leona Mace. Ought to pass.

Senator English: "Nathan and Leona Mace had their property taken in connection with repairs to Highway 12-A. The compensation offered did not foresee the fact that town water supply would not be available at the site to which the Mace property had been moved. The Right of Way Commission recognized that \$1,500 which was necessarily spent in obtaining water should have properly been compensated and recommended that this claim be made through the Legislature. The Highway Department concurred in the fact and did not oppose this bill."

On motion of Senator English, the rules of the Senate were so far suspended as to dispense with the above joint resolution being referred to the Finance Committee and the joint resolution was ordered to a third reading.

Senator Eaton, for the Committee on Liquor Laws:

Revised HB 198, relative to the sale of liquor and beverages on Sundays and on election days while the polls are open. Ought to pass.

Senator Eaton: "Mr. President, HB 198, 7 Representatives appeared for and 6 citizens against.

"This measure allows first class restaurant holders of liquor licenses to acquire the same privilege as now held by hotels, cocktail lounges and service clubs, i.e. serve a cocktail on Sunday. It was testified by both proponents and opponents that the record of restaurant owners for past four years has been exemplary—not one single suspension of license. Their self control has been excellent. This bill has the support of both restaurant and hotel owners associations.

"There were many economic reasons for passage of this bill by the proponents and all appeared valid to the committee, e.g., this is another helpful ally or incentive for the ski business. Also, first class license holders pay the same \$200 fee as hotels and clubs, but are denied equal privileges. It affords the privileges to the family man who simply enjoys a cocktail with his Sunday dinner, but would not take his family to a cocktail lounge or service club, which does not have the two and one restriction.

"The committee felt, as did the sponsors, that this was and is a low pressure measure and should pass on its merits."

Senator Cleveland: "Mr. President, parliamentary inquiry. Does not a Committee Report have to be advertised in the Journal?"

The President: "It was published and then the Committee withdrew it."

Senator Cleveland: "Is it the rule of the Senate that a report like this can be withdrawn and then some time later brought back in without being published in the Journal?"

The President referred the matter to Senator Eaton.

Senator Eaton: "Mr. President, this is not a quickie move. When this was in our Committee, it was discovered that the House had sent in to us the original bill, rather than the revised bill which they had acted upon. After this committee report had been published, this was discovered, and the committee chairman withdrew the report. However, the Liquor Law Committee of the Senate held its hearings on the revised version of the bill and reported on same."

Senator Holmes: "Mr. President, my interest in this is not on the merits of this particular bill, but rather that any bill which comes into this Senate from a committee, whether it has been referred for reconsideration, technical change, or any reason whatsoever, should always come in with due notice or else the rules should be suspended."

Senator Cleveland: "As a matter of procedure, I think we should establish a procedure. When a committee report is in the Journal and withdrawn by the Chairman, I think when it comes back in, after more than a day or two, it should be put in the Journal again."

(Discussion ensued)

Senator Lamontagne moved that the rules of the Senate be so far suspended as to permit the introduction of a Committee Report not advertised in the Journal.

On a *viva voce* vote, the affirmative prevailed.

### Committee Report

Senator Eaton, for the Committee on Liquor Laws:

Revised HB 198, relative to the sale of liquor and beverages on Sundays and on election days while the polls are open. Ought to pass.

On motion of Senator Caron, the following amendment was adopted:

Amend the title of the bill by striking out the words "and election days" so that said title as amended shall read as follows, AN ACT relative to the sale of liquor and beverages on Sundays by first-class restaurants.

Further amend said bill by striking out in line five of section 1 thereof the words "or election days while the polls are

open" so that said section as amended shall read as follows: I First-Class Restaurants. Amend RSA 176 by inserting after section 11 the following new section: 176:11-a Sales. Notwithstanding the provisions of section 11 any first class restaurant holding a license under the provisions of RSA 178:3-a may make sales of liquor or beverages on Sundays but only to bona fide guests with meals in the restaurant dining room.

The bill as amended was ordered to a third reading.

Senators Humphreys and Battles desired to be recorded as voting against the bill.

Senator Drake, for the Committee on Fisheries & Game:

HB 63, providing for seasons for the taking of deer. Ought to pass in new title and new draft.

On motion of Senator Drake, the reading of the revised bill was dispensed with.

Senator Drake: "Mr. President, since I have made the speech on May 2nd, I do not think it would be germane to make another speech on the same topic. We have clarified that part of the bill on which there was some question. The bill in new title and new draft has been printed in the Journal. I believe this will take care of all the objections raised previously."

Senator Drake explained the new draft in detail.

Senator Eaton presiding.

Senator Lamontagne spoke against the committee report and spoke strongly in support of the one season as being the one in the best interests of his District.

Senator Caron complimented Senator Drake and his Committee for the long hours and hard work in this bill in new draft, and stated that she was in favor of the two seasons.

Senator Monahan: "Mr. President, my remarks expressing my position on this bill are recorded in the Senate Journal of May 2nd, Pages 474 and 475. Therefore, I shall not repeat them now. After adjournment yesterday, I made a special trip to my District to discuss the Committee amendment with various constituents whose opinion on such matters I regard highly. I found they are still definitely opposed to any legislation dif-

ferent than the House-approved, single-season deer bill. However, I would be willing to concede a slightly later period — from November 12th to December 12th to allow more December hunting in the south, but this period is as late as deer hunting should be permitted in any part of the state. I realise our Senate Committee has carefully studied this bill. I also recall the House Committee, with a larger representation from more parts of the state doing likewise and by a very substantial majority favoring the November 10 to December 10 proposal. The Chairman of our Fisheries & Game Committee, whose industry and judgment in handling this controversial bill I respect, has just suggested we try a demonstration of the pending form of a split-season. But, Mr. President, we should have a real trial for two years on the basic issue of a single season. We have discussed this experiment for so long that we should now give it a fair trial, as the House bill provides. We should remember that the House passed its bill with a 219-122 division vote. I think any Senate amendments, especially one of this nature, might have real difficulty in obtaining concurrence by the House. One situation I do not want — and I feel sure the other Senators will agree — is a possible stalemate resulting from inability of a Committee of Conference to agree upon a compromise acceptable to both House and Senate. I do not wish to run the risk of a stalemate. I repeat my consistent support of a single-season deer bill, as already approved by the House.”

Senator Lamontagne spoke in support of the single season as approved by the House.

Senator Dunlap suggested that perhaps a solution might be to have the people in the northern part of the state to have a white license and those in the southern part of the state to have a red license and inquired if this had been considered by the committee.

Senator Drake replied that this same type of thing has been introduced by the Representative from Bethlehem in the House, but stated that the committee did not wish to have the Fish & Game Department involved in this legislation.

(Discussion ensued)

Senator Daniel moved the previous question. Seconded by Senator Caron.

On a *viva voce* vote, the affirmative prevailed and the motion carried.

Question now being on adoption of the committee report.

On this question, Senator Lamontagne requested a Division vote.

Thirteen Senators voted in the affirmative and six Senators voted in the negative.

Senator Monahan demanded a Roll Call.

The Clerk proceeded to call the Roll.

The following named Senators voted in the affirmative: Senators Drake, Sawyer, Gardner, Cleveland, English, Paquette, Bunten, Cheney, Caron, Provost, Daniel, Dunnington and Buckley.

The following named Senators voted in the negative: Senators Lamontagne, McMeekin, Monahan, Phillips, Dunlap, Holmes, Bergeron, Battles and Humphreys.

Thirteen Senators having voted in the affirmative, and nine Senators having voted in the negative, the affirmative prevailed, and the committee report was adopted.

Senator Holmes: "Mr. President, I voted 'no' because the majority of my constituents who have shown an interest in this bill prefer to have the season remain as it is. I do, however, prefer the Committee Report to the single season."

Senator Lamontagne offered the following amendment.

Amend section 1 of said bill by striking out in lines 6 and 10 thereof the words "tenth" and inserting in place thereof the words, twelfth, so that said section shall read as follows: 1 Wild Deer. Amend RSA 208:2 (supp) as amended by 1955, 264:1 by striking out in the third, fourth and fifth lines the words "in the counties of Grafton, Coos and Carroll from November first to November thirtieth, and in all other counties of the state from December first to December twenty-first" and inserting in place thereof, in all counties of the state from November twelfth to December twelfth, so that said section as amended shall read as follows: 208:2 Taking Time. Wild deer, outside game preserves, may be hunted and taken from one-half hour before sunrise to one-half hour after sunset.

in all counties of the state from November twelfth to December twelfth, except that no deer shall be hunted or taken at any time on any island or in any waters in lakes and ponds.

The Chair: "The Counsel tells me that this is an amendment to the original bill and cannot be accepted as an amendment to this bill."

Senator Lamontagne withdrew the amendment.

On a *viva voce* vote, the bill was ordered to a third reading.

Senator Dunlap presiding.

### **Special Order of Business for 11:01**

Senator Sawyer called for the Special Order.

Being consideration of proposed amendment to: SB 129, relative to the department of employment security.

Senator Sawyer: "Mr. President, I requested this to be put off the other day in order that I might find out more about this matter. One question was the problem of whether the two gentlemen concerned would be willing to be removed from the classified personnel and I have a letter here from Mr. Riley and Mr. Smith stating that this is agreeable to them:

Dear Senator Sawyer:

Re: Senate Bill No. 129 relative to the  
department of employment security

Pursuant to your telephone conversation with me of this date, Attorney Edward F. Smith and I wish to advise you that we do not object to and in fact support the amendment introduced by Senator Frank T. Buckley and printed in the Senate Journal of Tuesday, May 16, 1961. The said amendment would cause my salary to become the same as that of an Assistant Attorney General, to wit, \$9516.00 per year. It would cause Attorney Smith's salary to be \$700 per year less than that of an Assistant Attorney General, i.e. \$8816.00. The amendment will also remove both Attorney Smith and myself from the classified personnel system and cause us to be unclassified State officers.

If Senate Bill No. 129, in the amended form, becomes law, then the accrued annual and sick leave with respect to



both Attorney Smith and myself would expire as of July 1, 1961, but our rights to time off for sick leave and vacation would then be determined under the rules applicable to unclassified personnel which are not less favorable than those of classified employees. As unclassified State personnel we would be privileged to continue our membership in the State Retirement Plan. We therefore feel that the amendment to Senate Bill No. 129 would not place us in a less favorable position than we now have as classified State employees.

May I thank you for your inquiry with respect to this matter, and again assure you that both Attorney Smith and I support Senate Bill No. 129 as proposed by the amendment offered by Senator Buckley.

Very truly yours,  
James M. Riley, Jr. (Signed)  
Edward F. Smith (Signed)

Senator Eaton: "Attorney Riley and Smith came and talked to me. They presented a very telling story. They convinced me of their problem, but all was not perfect. I believe they are doing the job and deserve recognition. I have no objection to the increase, but I object to the method used. I told Attorney Riley that I had no objection to the amendment, but simply wished to speak my piece. After further mulling this over, I wish to propose the following amendment to the amendment:

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. Assistant Attorneys-General. Amend R.S.A. chapter 7 by inserting after section 16 thereof the following new section, 7:16-a Special Assistant Attorneys-General. The commissioner of employment security, subject to the approval of the governor and council, may appoint two assistant attorneys-general, who shall be assigned to the department of employment security, and each of whom shall hold office during good behavior. Any vacancy in such office may be filled for the unexpired term.

2. Takes effect July 1, 1962.

(Discussion ensued)

Senator Cleveland spoke in opposition to the amendment to the amendment. Stated that he was familiar with the work done by Attorneys Riley and Smith and that it was a special type of law involved—this work in connection with employment security, compensation, etc.

Senator Caron and Senator Daniel spoke against the amendment.

Senator Battles spoke in opposition to the amendment.

Senator Monahan spoke in support of the amendment offered by Senator Eaton.

On a *viva voce* vote, the amendment to the amendment was not adopted.

On a *viva voce* vote, the amendment offered by Senator Buckley was adopted.

Senator Bergeron moved that the bill be laid upon the table.

On a *viva voce* vote, the negative prevailed, and the motion was lost.

On a *viva voce* vote, the bill as amended was ordered to a third reading.

The President recognized Senator Humphreys: "Mr. President, a couple of months ago the Senator from the 9th District brought up the matter of the appropriation for the Rye Harbor Improvement which in a previous session, the state made provisions for \$125,000 and the town of Rye appropriated \$20,000—I have a letter here from Senator Cotton which states that the \$229,000 is included in the federal appropriation bill and that he has great hopes that it will be passed this year."

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following Senate Bill:

SB 45, providing special licenses for lounges at municipal airports.

Robert S. Monahan  
For the Committee

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time, and when the Senate adjourns today, it be to meet next Tuesday morning at 11 o'clock.

### Afternoon Session

#### Third Reading and Final Passage of Bills and Joint Resolutions

SB 129, relative to the department of employment security.

Senator Battles moved that the Senate reconsider its vote on the above bill.

On a *viva voce* vote, the negative prevailed, and the motion was lost.

SB 74, relative to completion of state highway project in the town of Andover.

SB 133, to enlarge the rights of students under twenty-one years of age to contract to borrow money to finance higher education.

HB 63, providing for the seasons for the taking of deer.

On motion of Senator Drake, the Senate refused to reconsider its vote on the above bill.

HB 198, relative to the sale of liquor and beverages on Sundays and on election days while the polls are open.

Senator Eaton moved that the Senate reconsider its vote on the above bill.

On a *viva voce* vote, the negative prevailed, and the motion was lost.

HB 393, relative to assessments by Insurance firms.

HB 135, relative to powers of county convention over appropriation transfers.

HB 444, legalizing the Walpole Village District meeting held on April 7, 1961.

HB 445, legalizing the Walpole Fire District meeting held on April 7, 1961.

HB 199, relating to the salaries of mayor and councilmen of the city of Franklin.

HJR 22, in favor of Florence Pushee.

HJR 31, in favor of Nathan and Leona Mace.

### **Guests**

As the guest of Senator Eaton, the incoming President of the New Hampshire Bar Association, Homer S. Bradley, of Keene, N. H.

On motion of Senator Paquette, the Senate adjourned at 1:28 P. M.

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TUESDAY, MAY 23, 1961

The Senate met according to adjournment.

### **Guests**

As the guest of Senator Lamontagne, Mr. Albert J. Nadeau of Berlin.

As the guests of Senator Buckley, his wife, Mrs. Frank Buckley, and their son Thomas and daughter Gail. His grandchildren, Diana, Laurie, Cynthia Joyce; their neighbor and Tommy's friend, John Mannarini, all of Derry.

### **House Message**

Mr. President:

The House of Representatives has passed the following entitled bills and joint resolutions, in the passage of which it asks the concurrence of the Honorable Senate:

HB 413, making it possible for trustees and custodians to invest in life insurance, endowment and annuity contracts.

HB 423, relative to discharge of firearms while hunting near dwellings and on or near public or private ways.

HB 223, relative to the construction of a dormitory for women at the University of New Hampshire, cost to be liquidated from income.

HB 9, relative to payment of expenses of the 1959 session of the Constitutional Convention.

HB 443, relative to agreements with the University of Vermont.

HB 350, relative to liability in the operation of air navigation facilities.

HJR 16, in favor of Wilbur J. Little.

HJR 18, relative to the operating expenses of educational television station, WENH-TV, Channel 11, Durham, New Hampshire.

HJR 25, providing supplemental appropriation for school building aid.

The Message further stated that the House has voted to accede to the request of the Senate for a Committee of Conference on the following entitled bill:

SB 98, relative to mufflers on motor vehicles.

The Speaker has appointed as members on the part of the House, Messrs. Clafin of Wolfeboro; Barnard of Concord; McGee of Lincoln; and Pettigrew of Manchester.

The Message further stated that the House has voted to adopt the amendments offered by the Committee on Engrossed Bills to the following entitled Senate Bill, in the adoption of which amendments the House asks the concurrence of the Honorable Senate:

SB 99, to regulate the sale and use of hydraulic brake fluids for motor vehicles.

Amend section 1 by striking out lines 6 to 12 and inserting in place thereof the following:

II. Hydraulic brake fluid shall be distributed and hydraulic brake systems shall be served with due regard to the safety of the occupants of the vehicle and the public and in accordance with provisions of this section.

III. The commissioner shall adopt and publish standards and specifications for hydraulic brake fluid, which shall be correlated with and so far as practicable conformed to, the current standards and specifications of the Society of Automotive Engi-

neers applicable to such fluid and shall approve such fluids as meet said standards and specifications, upon payment of such fee as he may determine. The commissioner may adopt and enforce regulations for the administration of this section.

On motion of Senator Battles, the Senate voted to concur in the adoption of the amendments offered by the Committee on Engrossed Bills.

The Message further stated that the House has voted to concur with the Honorable Senate in the passage of the following Concurrent Resolution:

*Resolved*, that the General Court meet on Wednesday, May 31, Thursday, June 1, and Friday, June 2, at the usual hour of eleven o'clock. There will be no session on Tuesday, May 30, in view of the fact it is Memorial Day.

The Message further stated that the House has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 121, relative to the tattooing of minors.

SB 8, relative to the Nesmith Trust Fund.

The Message further stated that the House concurs with the Honorable Senate in the passage of the following joint resolution, with amendment, in the passage of which amendment the House asks the concurrence of the Honorable Senate:

SJR 7, in favor of William A. St. Cyr.

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following: That the sum of two hundred eighty-nine dollars and fifty-one cents is hereby appropriated to be paid to William A. St. Cyr of Manchester to reimburse him for medical and hospital expenses and to compensate him for loss of salary incurred and sustained as a result of his incapacity due to injuries sustained by him in the line of his duty as a state trooper. This sum is in addition to any amounts payable under RSA 281. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

On motion of Senator English, the reading of the amendment was dispensed with.

Senator English: "Mr. President, I have not had the opportunity of looking at the amendment. That is my reason for moving that the above joint resolution with proposed amendment be laid upon the table."

On a *viva voce* vote, the motion to lay on the table carried.

The Message further stated that the House concurs with the Honorable Senate in the passage of the following entitled bill, with amendment, in the passage of which amendment the House asks the concurrence of the Honorable Senate:

SB 50, authorizing the Secretary of State to remove the names of candidates not qualified to be on the ballot.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Elections. Amend RSA 56:69 by striking out said section and inserting in place thereof the following: 56:69 Withdrawal. Where a nomination has been made as herein provided, or where a candidate has duly filed according to law for a primary election, no withdrawal or declination of a candidate shall be accepted by the secretary of state subsequent to the last dates for filing as hereinbefore stated, except as provided in section 69-a.

2 Substitution of Names. Amend RSA 56 by inserting after section 69 the following new section: 56:69-a Disqualification of Candidates. In case a person who is a candidate to be voted for at any primary or general election, for office of state senator or representative, between the date of nomination or filing and the day of election, shall make oath that he does not qualify for the public office which he seeks because of age or residence, the secretary of state may remove said person's name from the ballot and, if the ballots have not been printed, a new candidate may be substituted under the authority of the party committee of the state, town or ward as the case may require and the name of the substitute candidate shall be printed on the ballots. In the case of the office for state senator the appropriate party committee to fill such vacancies shall be the state committee of the party affected. If the ballots have been printed and time will permit the secretary of state may cause adhesive slips or pasters, without any name thereon to be printed, or authorize the same to be done and send or cause the same to be sent to the various town or city clerks represent-



ing the territory wherein the disqualified candidate was to be voted for. Said town or city clerks shall deliver said slips or pasters to the election officers before the opening of the polls, and they shall paste them in the proper place on the ballot before it is handed to the voter. Except as provided in this section or in section 71 no adhesive slips, pasters, or stickers shall be used on any ballot and their use shall invalidate that vote for all candidates for the office where they are so used.

3 Takes Effect. This act shall take effect as of January 1, 1962.

On motion of Senator Holmes, the reading of the amendment was dispensed with.

Senator Holmes: "Mr. President, this is a bill that I brought in. It provides for names to be removed from the ballot if the individuals are not qualified because of residence in the State or because of age. The House changed the bill in two respects. This amendment was worked out by Miss Alexander and the Secretary of State, and the Secretary of State is agreeable."

On motion of Senator Holmes, the Senate voted to concur in the adoption of the amendment.

### **Read and Referred**

To the Committee on Judiciary:

HB 413, making it possible for trustees and custodians to invest in life insurance, endowment and annuity contracts.

HB 423, relative to discharge of firearms while hunting near dwellings and on or near public or private ways.

HB 350, relative to liability in the operation of air navigation facilities.

HJR 16, in favor of Wilbur J. Little.

To the Joint Committee of Finance & Education:

HB 223, relative to the construction of a dormitory for women at the University of New Hampshire, and to be liquidated from income.

HB 382, relative to the construction of a dining hall at the University of New Hampshire, cost to be liquidated from income.

To the Committee on Finance:

HB 9, relative to payment of expenses of the 1959 session of the Constitutional Convention.

HB 443, relative to agreements with the University of Vermont.

HJR 18, relative to the operating expenses of educational television station, WENH-TV, Channel 11, Durham, New Hampshire

HJR 25, providing supplemental appropriation for school building aid.

### **Introduction, First & Second Reading of Senate Bill**

SB 138, to provide for recording of instruments and acts in unincorporated places which have no clerk. (Cleveland) To the Committee on Judiciary.

### **Committee Reports**

Senator Phillips, for the Committee on Engrossed Bills:

HB 273, relating to trust companies.

Under Joint Rule No. 6 with the following amendment and recommend that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first five lines and inserting in place thereof the following:

1 Minimum Par Value of Capital Stock. Amend RSA 392:25 and 392:26 by striking out said sections and inserting in place thereof the following new sections: 392:25 Limits; Shares. The capital stock of such

On motion of Senator Monahan, the Senate voted to concur in the adoption of the amendment offered by the Committee on Engrossed Bills.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills and Joint Resolutions:

HB 222, regulating the provisions for selling and serving milk.

HB 277, relative to grading, packing, shipping and sale of apples.

HB 323, defining agriculture, farming and farms.

HB 433, legalizing the proceedings of the annual school district meeting held in the town of Northwood.

HB 438, legalizing the proceedings of the annual school district meeting held in the town of Antrim on March 13, 1961.

HB 444, legalizing the Walpole Village District meeting held on April 7, 1961.

HB 445, legalizing the Walpole Fire District meeting held on April 7, 1961.

SB 8, relative to the Nesmith Trust Fund.

SB 89, to amend the charter of Cheshire County Savings Bank.

HJR 22, in favor of Florence Pushee.

HJR 31, in favor of Nathan and Leona Mace.

SJR 3, to provide for the appointment of an interim commission on education to study the organization of school districts and the higher educational facilities in the state.

HB 135, relative to powers of county convention over appropriation transfers.

HB 186, relative to licensing and bond for poultry dealers.

SB 121, relative to the tattooing of minors.

Marion L. Phillips  
For the Committee

### **Special Order of Business for 11:01 O'clock**

Senator Humphreys called for the Special Order.

Being consideration of bill and committee report, ought to pass on:

HB 361, to provide for a maximum size for lobsters.

Senator Eaton moved that the above entitled bill be re-committed to the Committee on Fisheries & Game.

Senator Drake, the Chairman of the Committee, stated that he had no objection.

On a *viva voce* vote, the above entitled bill was recommended to the Committee.

### **Special Order of Business for 11:02 O'clock**

Senator Daniel called for the Special Order.

Being consideration of committee report, ought to pass, on:

HB 328, relative to salaries of Hillsborough county commissioners.

Senator Daniel: "Mr. President, due to the fact that the member from the 17th District and the member from the 22nd District, Senators Caron and Buckley, have not received the proper information in connection with this bill, I would move that this bill be laid upon the table until such information is received."

On a *viva voce* vote, the motion carried and the bill was laid upon the table.

The President: "I would ask the various Committee Chairmen to set their bills up for hearing. It is hoped that one of the merger bills will be up for action this week and possibly the budget will be in the latter part of next week."

The President recognized Senator Eaton: "Mr. President, as the Senate remembers, I requested that HB 282, be considered in joint hearing. However, in light of the tough schedule that the Finance Committee has at present, I might possibly ask the Ways & Means Committee to come in an extra day, Monday, June 5th. This bill should take precedence over the others. It came in first. It is important and should not be let go down the drain."

The President: "I feel certain if your Ways & Means Committee will come in the extra day, the Chairman of the Finance Committee will cooperate, if your Committee is agreeable."

On motion of Senator Lamontagne, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be made in order at the present time.

### **Afternoon Session**

On motion of Senator Paquette, the Senate adjourned at 11:40 A.M.

WEDNESDAY, MAY 24, 1961

The Senate met according to adjournment.

### Guests

As the guests of Senator Monahan, the 7th and 8th grade pupils of the Orford school.

As the guests of Senators Dunnington, Buckley, Battles and Humphreys, the Republican women from Rockingham and Strafford Counties who are visiting the State House today in conjunction with "Legislative Day" sponsored by the Women's Division of the Republican Party.

As the guests of Senator Dunnington, his wife Mrs. Thomas C. Dunnington and Miss Frances Grady both of Dover, N. H.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 430, relative to use of municipal bond proceeds.

HB 457, legalizing the proceedings of the annual school district meeting held in the town of Auburn on March 10, 1961.

The Message further stated that the House has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bill, in the adoption of which amendments the House asks the concurrence of the Honorable Senate:

HB 260, relative to damage to game and hunting with dogs.

Amend section 1 of said bill by striking out the first line and inserting in place thereof the following:

1 Hunting with Dogs. Amend RSA 466:33 (supp) as amended by 1957, 154:1 and 1961, 126:1

On motion of Senator Monahan, the Senate voted to concur in the adoption of the amendment offered by the Committee on Engrossed Bills.

The Message further stated that the House refuses to concur with the Senate in the adoption of the amendment to the following entitled bill sent down from the Senate:

HB 199, relating to the salaries of the mayor and councilmen of the city of Franklin and requests a Committee of Conference; the Speaker has appointed as members of said Committee of Conference on the part of the House, Messrs. Deans of Milford; Gilman of Franklin; and Daniell of Franklin.

On motion of Senator Cleveland, the Senate voted to accede to the request of the House for a Committee of Conference on the above entitled bill.

Pursuant to the above, the President appointed as members of such Committee on the part of the Senate, Senators Cleveland and Phillips.

The Message further stated that the House refuses to concur with the Senate in the adoption of the amendment to the following entitled bill sent down from the Senate:

HB 393, relative to assessments by insurance firms and requests a Committee of Conference; the Speaker has appointed as members of said Committee of Conference on the part of the House, Messrs. Hancock of Concord; Brewster of Pittsfield; and Coutermarsh of Lebanon.

On motion of Senator Dunlap, the Senate voted to accede to the request of the House for a Committee of Conference on the above entitled bill.

Pursuant to the above, the President appointed as members of such Committee on the part of the Senate, Senators Dunlap and Bergeron.

The Message further stated that the House has voted to concur with the Senate in its amendments to the following entitled bills:

HB 198 (Revised), relative to the sale of liquor and beverages on Sundays by first-class restaurants.

The Message further stated that the House concurs with the Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House asks the concurrence of the Senate:

SB 92, relating to retirement benefits for Hazel D. Lord, beneficiary under nomination of Edgar L. Lord, et al.

Amend the title of the bill by adding at the end thereof the words, et al, so that said title as amended shall read as follows: An act relating to retirement benefits for Hazel D. Lord, beneficiary under nomination of Edgar L. Lord, et al.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1 Application Extended. The retirement and election of Option 2. by the late Edgar L. Lord, an employee of the Claremont School District and a member of the teachers retirement system of the state of New Hampshire and the nomination of his widow, Hazel D. Lord, his beneficiary; the retirement and election of Option 2. by the late Maurice Sargeant, an employee of the Manchester School District and a member of the teachers retirement system of the state of New Hampshire and the nomination of his widow, Marion N. Sargeant, his beneficiary; the retirement and election of Option 2. by the late Charles Robitaille, an employee of the Manchester School District and a member of the teachers retirement system of the state of New Hampshire and the nomination of his widow, Eva Robitaille, his beneficiary; the retirement and election of Option 2. by the late Allen H. Charter, an employee of the Manchester School District and a member of the teachers retirement system of the state of New Hampshire and the nomination of his widow, Gladys D. Charter, his beneficiary, under the provisions of RSA chapter 192, are hereby approved, legalized, ratified and confirmed.

On motion of Senator Phillips, the reading of the amendment was dispensed with.

Senator Phillips: "Mr. President, this is the bill that I introduced for our deceased Principal's wife who was, because of his untimely death eight days before the option became effective, not eligible to collect. This House amendment adds the names of three wives of three teachers in Manchester who died under very similar situations. I am in complete accord with the amendment and move that the Senate concur."

Senator Holmes: "Mr. President, I support this amendment. The Committee generally felt that the law should not be written so that exceptions of this type would have to be made.



We are trying to put a bill through so that this procedure will not have to be followed again."

On motion of Senator Phillips above, the Senate voted to concur in the adoption of the amendment to the above entitled bill sent up from the House.

The Message further stated that the House has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

HB 51, providing for open season for taking fisher.

The Message further stated that the House has voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 116, in favor of Milo H. Cheney.

The Message further stated that the House has passed the following Concurrent Resolution, in the passage of which it asks the concurrence of the Honorable Senate:

*Whereas*, we have learned of the closing of the plant of R. G. Sullivan, Inc. in the city of Manchester, and

*Whereas*, this plant established in the late eighteen hundreds by the late Roger G. Sullivan has become nationally known because of the excellence of its product, the 7-20-4 cigar, and

*Whereas*, this plant which has remained in the ownership of its founder, Roger G. Sullivan, down through the years until the present time, because of its high standards and the continued employment of skilled labor has made a substantial contribution to the economy and growth of the city of Manchester, now therefore be it

*Resolved*, that the House of Representatives, the Senate concurring, pay tribute to this concern for the part it has played in the development of the city's industry and express our sincere regret that R. G. Sullivan, Inc. will no longer be operating in the city of Manchester, and be it further

*Resolved*, that the clerk send a copy of these resolutions to Joseph W. Epply, President of R. G. Sullivan, Inc.

On a *viva voce* vote, the above Concurrent Resolution was unanimously adopted.

### Congratulations

The President extended the congratulations of the entire Senate to Senator Eaton, District No. 10, on the occasion of today being his birthday.

The President also extended the greetings of the Senate to Senator Sawyer, District No. 4, who a few days ago received the Community Service Award from the American Medical Association.

### Read and Referred

To the Committee on Executive Dept., Municipal and County Government:

HB 430, relative to use of municipal bond proceeds.

To the Committee on Education:

HB 457, legalizing the proceedings of the annual school district meeting held in the town of Auburn on March 10, 1961.

### Introduction, First & Second Reading of Senate Bill

SB 139, increasing the salary of the Belknap county attorney. (Gardner — Rules) To the Committee on Judiciary.

On motion of Senator Gardner, the rules of the Senate were so far suspended as to dispense with the printing of the above entitled bill.

Senators Bunten and Green offered the following Resolution which was unanimously adopted by a standing vote:

*Whereas*, We have learned with sorrow of the passing of Mrs. Mary F. Wiggin, of Bedford, New Hampshire, mother of the former Senators, J. Walker and Ralph M. Wiggin, now therefore be it

*Resolved*, That we, the members of the Honorable Senate, do hereby express our sympathy to the former Senators and their families in their bereavement, and be it further

*Resolved*, That the Clerk be instructed to transmit a copy of these Resolutions to Senators J. Walker Wiggin and Ralph M. Wiggin.

### Committee Reports

Senator Phillips, for the Committee on Engrossed Bills, have examined and found correctly engrossed the following entitled House Bills:

HB 356, pertaining to processed lobster meat.

HB 362, to provide extra facility licenses for the sale of lobster meat.

### Joint Resolution Taken From the Table

On motion of Senator English, the following captioned joint resolution was taken from the table by the required two-thirds vote:

SJR 7, in favor of William A. St. Cyr.

Senator English: "Mr. President, the Senate courteously, at my request, laid this joint resolution on the table while I studied whether or not the amendment of the House was agreeable. I have had this opportunity and now move that the Senate concur."

On a *viva voce* vote, the Senate voted to concur in the adoption of the amendment to the above joint resolution, sent up from the House.

The President recognized Senator Cleveland: "Mr. President, I noted in the newspaper yesterday an ad on the front page of the Manchester Union in which a taxpayer of the State, Mr. Richardson, called to the attention of the members of the General Court in no uncertain terms his views in regard to certain legislation pending in the House. In today's paper, the Speaker of the House has taken exception to this. I would like to take exception to the Speaker of the House taking exception to this because the Constitution, as I read it, in Article 32, the first part says 'the people have a right, in an orderly and peaceable manner, to assemble and consult upon the common good, give instructions to their representatives, and to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them and of the grievances they suffer.' In view of this, I would like to serve notice to the people of this State that I don't consider that petition to be obnoxious in the slightest. I don't agree with the Speaker of the House. I welcome that type of thing in public affairs and I think it is a

good thing that citizens take the time and trouble to make their views known to legislators and to the general public."

The President: "I don't think it is the right of this Senate to dictate to the Speaker. The matter of 'implied threat.' When the statement was made 'if you are not going to vote the way the man wants him to, it is a threat and not a petition. That bill is not here and the petition or the ad was addressed to the members of the House and I don't think it is the duty of the Senate to mix in their activities."

Senator Cleveland: "The article was addressed 'to the members of the New Hampshire General Court.' I wish to go on record in saying that I don't object to that kind of remonstrance. I don't think it is a threat."

Senator Drake: "Mr. President, as a matter of personal privilege. The Speaker of the House would do well to keep his own House in order."

Senator McMeekin: "I noticed the Speaker used the word *intimidate*. I would refresh the memory of the Senators that we passed a bill having to do with this. The House refused to go along with it. I can see no point in putting this in the paper."

Senator Eaton: "Mr. President, in principle, I agree with the Senator from the 7th District. I wish to say that I have received these sorts of communications daily. Having received so many, I think I am running out of constituents."

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time.

#### Afternoon Session

On motion of Senator Paquette, the Senate adjourned at 11:40 A.M.

THURSDAY, MAY 25, 1961

The Senate met according to adjournment.

### Guests

As guest of Senator Caron, the Honorable James F. Berry, Registrar of Voters in Manchester. Also the Honorable Joseph R. Meyers, Chairman of Democratic City Committee of Manchester.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 16, naming the Kancamagus Highway.

HB 439, relating to the conduct of sweepstake races and the sale of tickets thereon.

The Message further stated that the House has voted to concur with the Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

HB 273, relating to trust companies.

The Message further stated that the House refuses to concur with the Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 56, relative to motor vehicle fees.

The Message further stated that the House has voted to concur with the Senate in the passage of the following entitled bills, sent down from the Senate:

SB 112, increasing the powers of the college of advanced science.

SB 126, for the encouragement of community colleges.

### Congratulations

The President extended the congratulations of the entire Senate to Senator Marion L. Phillips, District No. 8, today being her birthday.

**Read and Referred**

To the Committee on Military & Veterans Affairs:

HB 16, naming the Kancamagus Highway.

The following entitled bill was read a first and second time:

HB 439, relating to the conduct of sweepstake races and the sale of tickets thereon.

Senator Cleveland: "Mr. President, I move that any further consideration of the above entitled bill be indefinitely postponed. We all know what this bill is and many of the Senators remember that we had practically the same bill here six years ago. This bill is the type of bill that if it should pass this body, I certainly hope the Governor will veto as he has stated he probably would. It seems to me to be just wasting time at this late part of the session. Many in the House voted with tongue in cheek. Let's face it; there are some important needs for this State, but we can meet this need by tightening our belts or in other ways. This sort of thing is something that might be done in Cuba. Let's remember that six years ago, we had publicity and it was bad publicity. There is no need of wasting time on this bill. I hope my motion will carry."

Senator Battles inquired: "Isn't this bill a little different than the other bill because of the referendum?"

Senator Cleveland: "In some respects. We do not put the budget bills or the discrimination bill up for referendum. We are sent here to legislate and not pass the buck and let's do just that."

Senator Battles moved that the above entire matter be laid upon the table.

Senator Cleveland spoke in support of the above motion.

On this vote, Senator Lamontagne requested a Division vote.

Thirteen Senators voted in the affirmative and seven Senators voted in the negative.

The affirmative prevailed, and the motion to lay on the table carried.

### Introduction, First & Second Reading of Senate Bills

SB 140, relative to trespassing on uncultivated land. (Holmes) To Judiciary.

SB 142, to establish a uniform motor vehicle certificate of title and anti-theft act. (Dunlap — Rules) To the Committee on Judiciary.

SB 143, extending the time when expenditures can be made from certain aeronautical appropriations. (Eaton, by request) To Finance.

SB 144, controlling the use of house boats. (Cleveland) To Fisheries & Game.

SB 141, abolishing the town of Ellsworth. (Eaton) To Committee on Ways & Means.

In connection with SB 141 above, Senator Cleveland inquired if the town of Ellsworth wished to be abolished.

Senator Monahan: "There are now only 11 voters there and it was voted that this be done by 9 voters. I understand that the town of Ellsworth does wish to be abolished. No one appeared at the hearing."

Senator Paquette inquired if this bill had not been considered before in another session.

Senator McMeekin: "I think the bill that is being referred to some years ago was to unite Ellsworth with Rumney and Rumney did not want it at all. At the present time, in the census, the population was listed as 3, but there are 11 names on the check list and 9 voted."

Senator Holmes inquired of Senator Monahan: "Where do the people go when the town is abolished?"

Senator Monahan: "It will just become an unincorporated place. The money received from the federal government will be used for the benefit of school districts in Grafton County. There is a great deal of national forest land within the town and the money would then go to the county."

### Committee Reports

Senator Phillips, for the Committee on Judiciary:

HB 190, in amendment of Chapter 328, Laws of 1951, creating the New Hampshire Business Development Corporation. Ought to Pass.



Senator Cleveland: "Mr. President, this is a very technical bill and an explanation of it would take a little time. Ten years ago a bill was passed creating a private organization. Banks use part of their guarantee fund to purchase stock. This would make second mortgage money available. Over the years, it has loaned many hundreds of thousands of dollars and very successfully. The Senate should realize that there is a New Hampshire Business Development Corporation and its purpose is to supply the second mortgage money for construction projects. They made their money from borrowing money at the banks at a low rate of interest and loaned it at a slightly higher rate of interest. There are several amendments, technical in nature. It permits this corporation to guarantee the top percentage of the loan. This purpose gives them more flexibility. They may borrow money from the United States government — small business administration. Provides a limitation on withdrawal of members, there is a technical amendment to that part of the bill. The takes effect passage is unusual — will not become effective until it is passed upon by the stockholders in this corporation, by two-thirds vote of the capital stock and at a meeting that has been duly advertised. This corporation has a state charter. No state money involved in this; it is money by the banks."

(Discussion ensued)

On a *viva voce* vote, the bill was ordered to a third reading.

Senator English, for the Committee on Claims:

HJR 26, in favor of Priscilla Morneau. Ought to pass with amendment.

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the sum of twelve hundred dollars is hereby appropriated to reimburse Priscilla Morneau for expenses due to injury at White Lake State Park on July 27, 1960. The payment of this sum is in full and final settlement of any and all claims arising out of said injury. The appropriation hereunder shall be a charge on the funds of the Recreation Division of the Forestry and Recreation Commission.

On motion of Senator English, the reading of the amendment was dispensed with.

Senator English:

Mr. President:

The Senate has added two amendments to the House Joint Resolution. One raises the amount from \$1,000, as approved by the House, to 1,200. The other states that the amount is in full and final settlement of the amount due.

The reason for the Senate amendments was that there have been incurred additional expenses since the case was heard by the House and there may be still a few more which appear to justify to the members of the Committee the additional \$200. Incidentally, the claim originally was for \$1500. It is a claim against Forestry & Recreation funds.

The claim is based upon the following circumstances:

Priscilla Morneau was enjoying White Lake State Park when she was injured by a batted baseball. The baseball was batted by a boy of approximately 12 years of age and he and some others were engaged in this activity in a part of the park where ball playing is not permitted. The head injury which resulted to Miss Morneau occurred July 17, 1960 and she has required treatment from that time intermittently to the present.

The amendment was adopted.

On motion of Senator English, the rules of the Senate were so far suspended as to dispense with the above joint resolution being referred to the Finance Committee, and the joint resolution was ordered to a third reading.

Senator Monahan, for the Committee on Resources, Recreation & Development:

HB 201, providing for the classification of the surface waters of the Lake Massabesic watershed. Ought to pass.

Senator Monahan: "Mr. President, House Bill 201, as amended by the House, calls for classification of Lake Massabesic and its tributaries which is the source of public water supply for the City of Manchester, and the amendment adopted in the House would classify the waters of the Millers River watershed in the vicinity of Fitzwilliam. Preliminary to legislative consideration of both portions of the bill, the Water Pollution Commission held public hearings (on April 7, 1961) in Manchester and in Fitzwilliam (March 30, 1961). Both

hearings were well advertized, both in the newspapers circulated locally and through the medium of individual letters to residents and groups within these watersheds who might have any possible interest in the hearings.

"Lake Massabesic is the most important body of water in the State from the point of view of the number of persons dependent upon it for domestic water supply needs. At the present time a population in excess of 90,000 is served as well as many industries in the City of Manchester and surrounding areas. The watershed tributary to the Lake is approximately forty-three square miles in size and lies within the communities of Allenstown, Hooksett, Auburn, Candia, Chester, and Manchester.— Chiefly in the 22nd Senatorial District.

"Preliminary to the Water Pollution Commission's consideration of the proposal to reclassify the Lake, extensive surveys of the various buildings, dwellings, and properties within the drainage area were made. Altogether, 690 places were visited and as a result, improvement in sewage disposal provisions were made at approximately forty buildings. This work was completed in 1960 and it is a matter of record that reclassification of the Lake to Class A, with an A classification also for the tributary streams, will not require any corrective action whatever. Thus, there is no expense involved to the residents and land owners in the Massabesic drainage basin.

"At the public hearing in Manchester and also in both the House and Senate hearings, it was explained that passage of this bill would not in any way alter present uses of the surface waters involved, nor would it interfere with any agricultural or farming operations now existing. Considerable emphasis was placed upon the fact that the only requirement under the A classification is that there be no discharge of sewage or wastes into waters so classified.

"Inasmuch as there was no opposition, but rather, considerable support for the enactment of an A classification for Lake Massabesic, it is the opinion of the members of the Senate Resources, Recreation and Development Committee that this legislation should receive favorable consideration by the Senate at this time. In urging passage of this bill, it is of interest to point out that the Legislature, since 1949, has classified as Class A waters the surface water supplies serving some forty-five towns

and cities in the State. There has been no instance wherein the Legislature has rejected water supply recommendations calling for an A classification.

"With reference to the amendment covering Millers River tributaries, it was pointed out at both the House and Senate hearings that the State of Massachusetts has been requesting action in this regard for the last few years. There are several sizeable communities within the Massachusetts portion of the watershed and it has been reported that a number of these municipalities are withholding any clean-up action, based upon the fact that in the upstream New Hampshire area, control measures have not yet been initiated. Because the Millers River is an interstate stream and joint action by the two states is necessary, the Water Pollution Commission is particularly anxious that a classification system be adopted in this session.

"As mentioned earlier, a public hearing was held in Fitzwilliam on March 30, which was well attended as a result of extensive newspaper and individual notification to the general public residing in that area of the State. There was no opposition whatever at the public hearing, nor did any develop during the House and Senate hearings. The transcript of the hearing held in the Town demonstrates that there was considerable support for the projected classification and this is to be expected since the area is primarily of a recreational character and the success of private and public enterprises are, therefore, dependent upon the maintenance of high quality water.

"There is no municipal disposal problem to be considered and the only action needed to meet the B-1 classification which is being recommended is the improvement of sewage disposal conditions at some twenty-four dwellings and properties within the 80-square-mile portion of the watershed within the State of New Hampshire. There is one small plastic products manufacturer in Fitzwilliam who was represented at the March 30 hearings and this company is entirely in accord with the program and is planning to make early improvements in its disposal system which will enable the concern to satisfy B-1 requirements. This bill concerns only the 11th Senatorial District.

"Finally, because of the modest cost (\$8600) to clean up this watershed and also as a gesture of interstate cooperation which will enable the State of Massachusetts to cope with the serious pollution problem existing in its portion of the water-

shed, we recommend passage of the bill including the amendment covering the New Hampshire portion of the Millers River watershed."

Senator Caron: "I wish to go on record as being very much in accord with the remarks of the Senator from the 5th District. Mr. Sweeney called and said that he had appeared before the Committee. In Manchester, we are all 100% in accord."

Senator Daniel stated that he wished to be recorded as being in favor.

The bill was ordered to a third reading.

### House Message

Mr. President, the House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

HB 46, providing for salaries for classified state employees.

### Read and Referred

To the Committee on Finance:

HB 46, providing for salaries for classified state employees.

### Committee Reports (continued)

Senator Cheney, for the Joint Committee on Finance and Executive Dept., Municipal and County Government:

HB 124, to establish a department of safety. Ought to pass with amendments.

Amend the section numbered 106-A:2 as inserted by section 3 of the bill by striking out the word "four" in the fourth line and inserting in place thereof the word, five, so that said section as amended shall read as follows:

106-A:2 Commissioner of Safety. The executive direction of the department of safety shall be under a commissioner of safety, who shall be appointed by the governor and council. He shall hold office for a term of five years from the date of his appointment and until his successor is appointed and qualified. A vacancy shall be filled for the unexpired term. It shall be the

responsibility of the commissioner to organize and direct the work of the department of safety.

Amend section 7 of said bill by striking out the same and inserting in place thereof the following:

7 Appropriation. In addition to other funds made available to the department of safety there is hereby appropriated the sum of thirteen thousand, two hundred dollars for the fiscal year ending June 30, 1962, or so much thereof as may be necessary, for the salary of the commissioner of safety, and the sum of thirteen thousand and six hundred dollars is hereby appropriated for the fiscal year ending June 30, 1963, for the salary of the commissioner of safety. The sums hereby appropriated shall be a charge upon revenue received by the departments affected by this act. Said sums shall be allocated to the various funds in proportion to the extent of supervision over each former department. No part of the appropriations hereunder shall be a charge against the general funds of the state.

Amend said bill by inserting after the word "police" in line four of section 8 the following, or any person who is a member of the employees retirement system at the effective date of this act and who because of the terms of this act shall be transferred and who shall have been a member of the motor vehicle department with inspectors service for ten years on the effective date of this act, so that said section as amended shall read as follows:

8 Retirement Benefits. Any person who is a member of the employees retirement system at the effective date of this act and who, because of the terms of this act shall be transferred and be reclassified as a member of the division of state police or any person who is a member of the employees retirement system at the effective date of this act and who because of the terms of this act shall be transferred and who shall have been a member of the motor vehicle department with inspectors service for ten years on the effective date of this act shall have an option to continue his membership in the state employees retirement system or may transfer his membership in said system to the police retirement system in accordance with the provisions of RSA 100:23 and 100:24.

On motion of Senator Cheney, the reading of the amendments was dispensed with, in view of their having been printed in the Journal.

Senator Cheney: "Mr. President, this bill is being reported for your consideration with three amendments and I will give a brief explanation of each.

"The first, relative to the Commissioner of Safety, is relative to the term of office — it changes the term from 4 to 5 years. It is the consensus of the Joint Committee that a 5 year term is more desirable from the standpoint of effective supervision. It will give any incumbent a year to get his bearings, so to speak, and the remaining four (4) years to activate his policies and present his proposals to the Legislature.

"The second amendment merely clears up and spells out that the salary of the Commissioner of Safety shall be a charge against the revenue of the department. In the original bill this was not specified, and, when in legislation no specification is made as to the source of the appropriation, it is generally understood that it is a charge against General Fund.

"The third amendment gives any person with 10 years of motor vehicle inspector service an option of choosing between being a member of the State Employees Retirement System and the Policemen's Retirement System.

"The Joint Committee recommends the adoption of these amendments and the passage of House Bill No. 124."

(Discussion ensued)

On a *viva voce* vote, the amendments offered by the Committee were adopted.

Senator Drake offered the following amendment and spoke in support thereof:

Amend said bill by inserting in line nine of sub-section II of section 2 thereof after the word "council" the following, provided that after written notification of vacancies to be filled are received by governor and council from department directors, and if no action is taken on these requests within 30 days, the director of the division concerned may fill such vacancy or vacancies forthwith, so that said sub-section as amended shall read as follows: II. With the approval of the governor and council and of the personnel commission the commissioner of safety is authorized to transfer classified personnel, appropriations or portions thereof relating thereto as well as necessary equipment, within or between any division of the depart-



ment; providing, always, that no such transfer shall eliminate the classified position transferred. Vacancies in classified positions occurring after July 1, 1961 in any department functions to be transferred to the new department of safety shall not be filled without the approval of the governor and council, provided that after written notification of vacancies to be filled are received by governor and council from department directors, and if no action is taken on these requests within 30 days, the director of the division concerned may fill such vacancy or vacancies forthwith. No permanent classified employee in the state service upon the effective date of this act shall be required to take an examination to remain in his position.

On motion of Senator Drake, the reading of the above amendment was dispensed with.

(Discussion ensued)

On a *viva voce* vote, the above amendment was adopted.

Senator Dunlap offered the following amendment and spoke in support thereof:

Amend said bill by striking out in the section numbered 106-B:11 as inserted by section 4 of said bill the last sentence and inserting in place thereof the following, the director may designate for liaison with the offices of the respective county attorneys or sheriff such number of state police employees as he may deem advisable for each county, so that said section as amended shall read as follows: 106:B-11 Cooperation with Other Police Forces. The director and employees shall cooperate and exchange information with any other law enforcement agency both within and without this state, including federal authorities, for the purpose of preventing and detecting crime and apprehending criminals. With the approval of the commissioner of safety, the director may, on the request of any responsible official of any such agency, assist such official by detailing to him such police employees, for such length of time and under such conditions as the director may deem proper. The director may designate for liaison with the offices of the respective county attorneys or sheriffs such number of state police employees as he may deem advisable for each county.

(Discussion ensued)

Senator Battles: "Senator Dunlap, as I understand it, the only change that you have made in the bill is that you have changed a mandatory MUST to a permissive MAY?"

Senator Dunlap replied in the affirmative.

On a *viva voce* vote, the amendment above was adopted.

Senator Dunlap offered the following amendment:

Amend said bill by striking out in lines fourteen and fifteen of section 106-B:12 of section 4 of said bill the following "and the sheriff" so that said section as amended shall read as follows: 106-B:12 Authority and Duties of Police Employees. Police employees shall be ex-officiis constables throughout the state shall patrol the highways, enforce the highway traffic laws and regulations, enforce the motor vehicle laws relative thereto, and the director, division of state police, shall report to the director, division of motor vehicles, all violations of and prosecutions under the motor vehicle laws. Police employees shall have general power to enforce all criminal laws of the state and to serve criminal processes and make arrests, under proper warrants, in all counties. They shall not serve civil processes. No police employee shall act, be used or called upon for service within any town in any industrial dispute unless actual violence has occurred therein, and then only upon order of the governor. When any police employee shall apprehend any person who has committed or attempted to commit a felony the director shall immediately make a report to the solicitor of the county or sheriff in which the offense was, or was suspected of being, committed and such cases shall be investigated and prosecuted by said county officials with the cooperation of said police employees.

Senator English presiding.

Senator Dunlap: "Mr. President, the present bill provides that when any police officer finds a crime has been committed, he must notify the sheriff. Once again, there is good cooperation between the sheriff and the state police, but this can cause delay. The new bill would continue this provision pretty much, except to report to the county attorney or the sheriff. Where cooperation is good in counties, this is not a burden, but the subject that you eliminate entirely having been rejected by the Committee, I request that the amendment now provide that the director shall immediately make a report to the county

attorney or the sheriff of the county in which the offense was, or suspected to have been, committed. This does not reduce in any way the sheriff's participation in law enforcement, but it gives the state police director the provision to notify the county attorney and the sheriff to assist. The whole investigation does not have to be held up. I think this is a good amendment to this bill and I hope that the Senate will adopt it."

Senator Green inquired of Senator Dunlap: "In looking at the original bill, all this amendment is doing is changing the original bill, instead of making a report to the solicitor and sheriff, now required to make it to the solicitor or sheriff."

Senator Dunlap: "That is correct. The purpose is obvious. The county attorney wraps it up. He is the man charged with bringing to a successful conclusion the operation in any town. If the County attorney is notified — which ever is easier will be done. It takes out the requirement to notify both. This will avoid delay."

Senator Green: "This would place the report on either the solicitor or the sheriff?"

Senator Dunlap: "That is correct."

Senator Green stated that he could see no opposition.

Senator Battles inquired: "If the Director decides that he wants to notify the county solicitor and does not wish to notify the sheriff, who does the investigating?"

Senator Dunlap: "The county attorney directs the investigation. By statute, the sheriff does it. I think the sheriff will reach the police during the investigation of any crime. They would assist in solving any crime. This is strictly a matter of their cooperation in the enforcement of the law."

Senator Battles: "I do not see the harm of all of our county officials knowing what is going on. I think they should all know."

Senator Dunlap: "I am not deliberately excluding anybody. A county sheriff, elected as he is, would be in close communication. Under the present statutes, before the investigation can be continued, the sheriff must be notified."

(Discussion ensued)

Senator Green requested a two minute Recess, which was granted by the Chair.

(Recess)

The Senate reassembled.

Senator Green: "I have checked through the original bill with the amendment and we have checked with the House amendment. All this amendment does is to replace words. I feel that this amendment may accomplish something that has been turned down for many years by the General Court and that is to by pass the sheriff as the investigating officer and the possible investigation of any crime committed within the towns. I have no grief or argument for anyone who wants to by pass the sheriff, but as long as the statute provides that the sheriff is the man, the chief police officer in the County, I think it should be left that way. If this amendment is adopted, it is going to lead to friction. I think it is bad enough to have the law makers fight the criminals, and not have them fight themselves. The county attorneys want to be notified in the same manner as the sheriff. I think if we leave the bill as the committee reported it, then if the state police investigate a crime, they will make their report to both the county attorney and the sheriff. I would respectfully ask that this amendment not be adopted — a conflict might develop right in the sheriff's office."

Senator Lamontagne spoke in support of the remarks made by Senator Green.

Senator Gardner: "I also support the remarks of Senator Green."

Senator Caron: "I agree with Senator Green. I do hope the Senate will vote down this amendment."

Senator McMeekin stated that he would vote against the proposed amendment.

Senator Dunlap: "I have no contempt or disagreement with the sheriff's department. I think there is a feeling that this has been aimed at the sheriffs, and I want the record to show that such is not the case. The state police are better trained to do better investigation work and that does not discredit the sheriffs. The sheriff would not be by passed under this amendment. He would participate as he does now, as he would under the bill as

amended. It simply means that you do not hold up and stop and suspend everything until you can contact certain people. This is no problem. Everybody is after the same thing; to catch the criminal. I think this is good sound, clean legislation and I would ask the Senate to adopt the amendment."

Senator Caron moved the previous question. Seconded by Senator Daniel.

Question being: Shall the main question now be put?

On a *viva voce* vote, the affirmative prevailed.

Question being on adoption of amendment offered by Senator Dunlap.

On a *viva voce* vote, the negative prevailed, and the amendment was not adopted.

Senator Bergeron requested a three minute Recess, for the purpose of preparing an amendment.

The request was granted by the Chair.

(Recess)

The Senate reassembled.

The President in the Chair.

Senator Bergeron stated that he would withdraw his amendment.

On a *viva voce* vote, the bill as amended was ordered to a third reading.

### **Bill Taken From the Table**

On motion of Senator Caron, the following entitled bill was taken from the table, by the required two-thirds vote:

HB 328, relative to salaries of Hillsborough county commissioners.

Senator Caron: "Mr. President, I asked to have this put on the table a week ago today. All the bill does is to raise the salaries of our Hillsborough County Commissioners \$250. The entire Hillsborough county delegation are agreeable."

Senator Holmes: "Mr. President, I supported the motion to lay on the table. I do not oppose the motion to take it from the table."

Senator Daniel: "Mr. President, since Senators Caron, Buckley, Provost and I have received the proper information, I concur with the motion."

Question being on the adoption of the Committee Report. Ought to pass.

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills:

HB 51, providing for open season for taking fisher.

HB 198, relative to the sale of liquor and beverages on Sundays by first-class restaurants.

HB 260, relative to damage to game and hunting with dogs.

HB 273, relating to trust companies.

SB 99, to regulate the sale and use of hydraulic brake fluids for motor vehicles.

SB 112, increasing the powers of the college of advanced science.

SB 116, in favor of Milo H. Cheney.

SB 126, for the encouraging of community colleges.

Marion L. Phillips  
For the Committee

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time, and when the Senate adjourns today, it be to meet next Wednesday morning at 11 o'clock.

### Afternoon Session

#### Third Reading and Final Passage of Bills & Joint Resolution

HB 190, in amendment of Chapter 328, Laws of 1951, creating the New Hampshire Business Development Corporation.

HJR 26, in favor of Priscilla Morneau.

HB 328, relative to salaries of Hillsborough county commissioners.

HB 124, to establish a department of safety.

On motion of Senator Battles, the Senate refused to reconsider its vote whereby HB 124 passed.

HB 201, providing for the classification of the surface water of the Lake Massabesic watershed, being on its third reading, was open to amendment.

Senator Monahan offered the following amendment which was unanimously adopted:

Amend the title of said bill by adding at the end thereof the words, and the Millers River watershed, so that said title as amended shall read as follows:

An Act providing for the classification of the surface waters of the Lake Massabesic watershed and the Millers River watershed.

On a *viva voce* vote, the above entitled bill as amended was read a third time and passed:

HB 201, providing for the classification of the surface waters of the Lake Massabesic watershed and the Millers River watershed.

On motion of Senator Paquette, the Senate adjourned at 1 P.M.

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WEDNESDAY, MAY 31, 1961

The Senate met according to adjournment.

#### Guests

As the guest of Senator Lamontagne, Mr. Adelard Labranche, Chief of the Berlin Fire Department.

As the guest of Senator Holmes, Mrs. Anne Hutchinson of Milford, Vice Chairman, Hillsborough County Republican



Committee, and former member of the House of Representatives in 1957.

As the guest of Senator Caron, Mr. Roger M. Mara of Manchester.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 392, relative to the disposition of professional fees.

HB 407, relative to the workmen's compensation law.

The Message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 67, relative to collection of taxes from contractors and subcontractors.

SB 118, to establish a new apportionment for the assessment of public taxes.

SB 125, legalizing the organization meeting and first annual meeting of the Monadnock Regional School District.

### Read and Referred

To the Committee on Finance:

HB 392, relative to the disposition of professional fees.

To the Committee on Labor:

HB 407, relative to the workmen's compensation law.

### Introduction, First & Second Reading of Senate Bill

SB 145, relative to teaching persons to drive. (Holmes) To Committee on Education.

### Committee Reports

Senator Phillips, for the Committee on Judiciary:

HB 423, relative to discharge of firearms while hunting near dwellings and on or near public or private ways. Inexpedient to legislate.

Senator English: "Mr. President, no one appeared at the Senate hearing for or against this bill which regulates the discharging of firearms while hunting near dwellings or public or private ways. The apparent lack of need for this legislation was highlighted by the fact that no one took the trouble to appear. The Committee, after due consideration, found that no important public interest would be served. We, therefore, report it as inexpedient to legislate."

On a *viva voce* vote, the recommendation of the Committee, inexpedient to legislate, was adopted.

Senator Phillips, for the Committee on Judiciary:

HB 436, authorizing cities and towns to construct moving sidewalks. Ought to pass.

Senator English: "Mr. President, the Committee examined carefully into whether or not this House Bill permitting the construction of moving sidewalks was necessary. It appears that when a city or town makes this type of expenditure, not specifically covered by other legislation, it is desirable to have the matter specifically approved. The term 'moving sidewalks' is basically the same as 'escalator'; the former was used because of certain specialized legal meanings in connection with the latter. It should be repeated that this is permissive legislation."

The bill was ordered to a third reading.

Senator Dunlap, for the Committee on Banks & Insurance:

HB 175, relative to entrance fees of credit unions. Ought to pass.

Senator Dunlap: "Mr. President, this legislation would permit credit unions to stop charging fees for membership. Most of them have a charge of \$1. Some charge as little as 10c as a condition of joining. I think under some conditions the credit unions would like to raise some capital funds in this manner. This is permissive legislation and it seems in the best interest to give them this flexibility."

The bill was ordered to a third reading.

Senator Dunlap, for the Committee on Banks & Insurance:

HB 343, relative to classification of a highway in the town of Goffstown and the city of Manchester. Ought to pass.

Senator Dunlap: "Mr. President, this bill would permit reclassification of a class V highway between Manchester and Goffstown to be changed to a class II highway. This would require that the money be spent by the city of Manchester and the town of Goffstown to substantially improve a very bad crooked road, and inasmuch as the burden of expense is going to rest with the two places affected; namely, Manchester and Goffstown, the Committee voted the bill as ought to pass."

The bill was ordered to a third reading.

Senator Eaton, for the Committee on Ways & Means:

HB 415, relative to fees for private boat registration. Ought to pass.

Senator Eaton: "Mr. President, the title of this bill is relative to fees for private boat registration. If any private boat registration is issued for the commission by one of their duly authorized agents not on the payroll of said commission, such agent shall collect from the registrant a fee of fifty cents. Such agent shall retain said additional fee as compensation for his services in connection with the issuance of such registration. This fee does not go to the PUC or to the inspector."

The bill was ordered to a third reading.

Senator Monahan, for the Committee on Engrossed Bills:

SB 92, relating to retirement benefits for Hazel D. Lord, beneficiary under nomination of Edgar L. Lord, et al.

Having considered the same, report the same under Joint Rule No. 6 with the following amendment and recommend that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relating to retirement benefits for Hazel D. Lord, Marion N. Sargeant, Eva Robitaille and Gladys D. Charter.

Senator Monahan: "Mr. President, I move that the Senate concur. This is merely a technical amendment and names spe-

cifically the three names of the people involved, rather than saying et al."

On a *viva voce* vote, the Senate voted to concur.

Senator Monahan, for the Committee on Engrossed Bills:

HB 190, in amendment of chapter 328, Laws of 1951, creating the New Hampshire Business Development Corporation.

Having considered the same, report the same under Joint Rule No. 6 with the following amendments, and recommend that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to the New Hampshire Business Development Corporation.

Amend section 1 of said bill by striking out the first four lines and inserting in place thereof the following:

1 Powers. Amend chapter 328, Laws of 1951, by inserting after section 6 the following new sections: 6-a. Additional Powers. This corporation shall have and possess the following

Senator Monahan: "Mr. President, I move that the Senate concur. These amendments were suggested by the Attorney General's office. It makes for a more understanding title for the subject matter of the bill."

On a *viva voce* vote, the Senate voted to concur.

Senator Monahan, for the Committee on Engrossed Bills:

HB 328, relative to salaries of Hillsborough County Commissioners.

Having considered the same, report the same under Joint Rule No. 6 with the following amendment and recommend that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first two lines and inserting in place thereof the following:

1 County Commissioners. Amend RSA 28:28 (supp) as amended by 1955, 247:4, 269:1, 1957, 182:1, 246:1 and 1961, 80:1 by striking out the

Further amend section 1 of said bill by striking out after the word "Cheshire" the words "one thousand six hundred" and inserting in place thereof the words, two thousand.

On motion of Senator Monahan, the Senate voted to concur.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled Senate Bills and Joint Resolution:

SB 50, authorizing the secretary of state to remove the names of candidates not qualified to be on the ballot.

SB 108, relating to permanent police officers.

SJR 7, in favor of William A. St. Cyr.

Robert S. Monahan  
For the Committee

The President: "I would ask the Committee Chairmen if they can coordinate their activities starting roughly the week of June 6th so that it may be possible to have Committee hearings on either Mondays or Fridays so that we may have the full membership here from that time forward. I know that the Joint Committee of Ways & Means and Finance have a hearing set for Monday, June 5th. I would ask that the other Chairmen govern themselves accordingly and have their hearings on Mondays or Fridays. Keep hearings not later than a week after June 15th. I had thought that we might get out either the 16th or 17th. Others feel that it will be the following week, so govern yourselves accordingly. Notify the Clerk about Committee hearings on Mondays or Fridays."

The President: "I have received a letter today from the Executive Secretary of the State Employees Association, stating that the mimeographed sheet which had been placed on the desk of each Senator last week was not the work of that Association because they sign their name to anything they put out. They have no knowledge of who mimeographed the sheet or distributed it."

The President recognized Senator Monahan: "Mr. President: I have today filed with the Secretary of State my five suc-

cessors to be designated under the terms of the Emergency Interim Succession Act.

"Because I feel these names should be of record elsewhere than in the Secretary of State's office, I would appreciate the names of the following ex-Senators from the Fifth District being listed in today's JOURNAL as my successors in the order indicated:

Edward J. Bennett, Bristol  
Archibald M. Matthews, New Hampton  
Lane Dwinell, Lebanon  
John W. Dole, Bristol  
Joseph B. Perley, Lebanon

"Mr. President: Publication of all such successors named by the Senators might well be compiled in an issue of the JOURNAL, when the list is completed. To have a single depository for this information may defeat the object of the law, especially if the State House should become the target of enemy attack."

The President: "I might state that the Secretary of State makes a copy, a copy is sent to the Governor and also a copy is sent to the President of the Senate, so the record is kept in three places."

### Communication

Senator Buckley presented the following communication:

Dear Senator Buckley:

My family and I were greatly honored to receive the scroll from the Senate in memory of my mother, Mrs. Christine Butman.

Kindly accept our deepest appreciation of the kindness that you, as a friend, have shown us, and convey our thanks to the other members of the Senate for their sympathy and understanding.

Sincerely yours

Roy Feinauer

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time.

**Afternoon Session****Third Reading and Final Passage of Bills**

HB 175, relative to entrance fees of credit unions.

HB 343, relative to classification of a highway in the town of Goffstown and the city of Manchester.

HB 415, relative to fees for private boat registration.

HB 436, authorizing cities and towns to construct moving sidewalks.

On motion of Senator Paquette, the Senate adjourned at 11:45 A.M.

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THURSDAY, JUNE 1, 1961

The Senate met according to adjournment.

**Guests**

As the guest of Senator Buckley, Mr. Dick Williamson of Salem, N. H.

As the guests of Senator McMeekin, Mr. and Mrs. Wright Towers of Woodsville.

As the guest of Senator Lamontagne, Mr. Charles Biledeau, Biledeau Brothers Insurance Agency, Berlin, N. H.

**House Message**

Mr. President:

The House of Representatives has passed the following entitled bill and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HB 354, relating to the disinfection of public water supply system.

HJR 30, providing special equipment to be used in searching for lost persons.



The Message further stated that the House has voted to concur with the Honorable Senate in its amendment to the following entitled bill:

HB 201, providing for the classification of the surface waters of the Lake Massabesic watershed and the Miller River watershed.

The Message further stated that the House has voted to concur with the Honorable Senate in its amendment to the following joint resolution:

HJR 26, in favor of Priscilla Morneau.

The Message further stated that the House refuses to concur with the Senate in the adoption of the amendments to the following entitled bill sent down from the Senate:

HB 124, establishing a department of safety.  
and requests a Committee of Conference; the Speaker has appointed as members of said Committee of Conference on the part of the House, Mrs. Clark of Lee and Messrs. Dupont of Manchester and Allen of Meredith.

On motion of Senator Battles, the Senate voted to accede to the request of the House for a Committee of Conference on the above entitled bill.

Pursuant to the above, the President appointed as members of such Committee on the part of the Senate, Senators Battles and Green.

The Message further stated that the House has voted to adopt the report of the Committee of Conference on the following captioned joint resolution:

HJR 13, authorizing a study of the operation of the Milk Control Act.

### **Read and Referred**

To the Committee on Public Health, Welfare & State Institutions:

HB 354, relating to the disinfection of public water supply system.

To the Committee on Finance:

HJR 30, providing special equipment to be used in searching for lost persons.

**Committee Reports****Committee of Conference**

The Committee of Conference to whom was referred House Bill No. 124 An act establishing a department of safety, having considered the same, report the same with the recommendation that the House recede from its position of non-concurrence and adopt the amendments sent down by the Honorable Senate.

Shirley M. Clark  
Claude E. Dupont  
Stuart B. Allan

Conferees on the Part of the House

Samuel Green  
Nathan T. Battles

Conferees on the Part of the Senate

Senator Battles: "Mr. President, the Senate members of the Committee of Conference met with the House members of the Committee of Conference and the House receded from their position and accepted the Senate amendment 100%. I move that the Senate adopt the report of the Committee of Conference."

Senator Daniel: "Mr. President, I have been in this Senate for five terms and this is the first time I have seen anything like that happen, but it is O.K."

On a *viva voce* vote, the motion of Senator Battles, that the Senate adopt the report of the Committee of Conference, carried.

**Committee Reports (continued)**

Senator Phillips, for the Committee on Judiciary:

HB 388, adopting the uniform act on paternity. Recommend referral to the Judicial Council.

Senator Cleveland: "Mr. President, this was a uniform act that had been considered previously by the Judicial Council and we voted that they should reconsider this matter before this legislation was passed by the General Court. They had considered this seven or eight years ago. There is no particular need for this legislation as we do have other acts covering this provision of the law."

On a *viva voce* vote, the report of the Committee was adopted, and the bill was referred to the Judicial Council.

Senator Phillips, for the Committee on Judiciary:

SB 139, increasing the salary of the Belknap county attorney. Ought to pass.

Senator Gardner: "Mr. President, for a period of eight years, the county attorney's salary has remained \$2,000. The county delegation felt that the salary should be increased as the county attorney's duties have greatly increased. At their request, I was very happy to introduce this bill and I hope that it will pass."

The bill was ordered to a third reading.

Senator Drake, for the Committee on Fisheries & Game:

HB 172, relating to issuance of duplicate fish and game licenses. Ought to pass with amendment.

Amend the bill by striking out section 2 of said bill and renumbering section 3 to read section 2.

Senator Drake: "Mr. President, this amendment was necessary because the House used the original RSA of 1955 in writing up the bill instead of the amended RSA of 1959. There is no change in the bill itself, but it does change the wording."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Drake, for the Committee on Fisheries & Game:

HB 50, relative to special fish and game licenses for non-resident members of the armed forces of the United States. Ought to pass with amendment.

Amend the bill by striking out all after the enacting clause and substituting in place thereof the following:

1 214:4 Military Personnel. Military personnel and their dependents permanently stationed at military bases within the state are eligible to purchase hunting and fishing licenses at the same fee as is charged a legal resident of the state. These licenses are to be issued only at military installations within the state or from the fish and game department headquarters.

2 Takes Effect. This act shall take effect sixty days after its passage.

Senator Drake: "Mr. President, this bill eliminates the reference to non-resident members of the armed forces of the United States who are guests in this state while on furlough. This is a privilege that has been very much abused. The Fish & Game Department requested that this bill be passed to tighten up the authority of the personnel and do away with the abuse of the privilege."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Monahan, for the Committee on Education:

HB 457, legalizing the proceedings of the annual school district meeting held in the town of Auburn on March 10, 1961. Ought to pass.

Senator Holmes: "Mr. President, this is a routine legalizing bill made necessary because the requirement posted in the warrant was not fulfilled. No controversy and no one appeared against it in either the House or the Senate. The Committee voted unanimously that it ought to pass."

The bill was ordered to a third reading.

Senator Monahan, for the Committee on Education:

HB 210, relative to cooperative school districts. Ought to pass with amendment.

Amend said bill by inserting after section 4 thereof the following new section:

5 Apportionment. Amend RSA 195:8 by striking out in line five thereof the words and figures "or formula II" and inserting in place thereof the following, II or III, so that said section as amended shall read as follows:

195:8 Five-Year Period Reconsideration. At the expiration of the first five-year period and at the expiration of each subsequent five-year period the basis for the apportionment of all such costs shall be subject to review, and the cooperative district may then by majority vote elect to apportion all such costs by the adoption of either formula I, II or III, as defined in section 7.

Further amend said bill by renumbering section "5" to read, 6.

Further amend said bill by inserting after "6" in line one of the above renumbered section 6 of said bill the following. Budgets. Amend RSA chapter 195 by inserting after section 12 thereof the following new section 12-a, I. Further amend said renumbered section 6 by inserting in line 16 thereof before the word "Powers" the following, II. So that said section as amended shall read as follows:

6 Amend RSA chapter 195 by inserting after section 12 thereof the following new section 195:12-a, I. Budget Committee. Any cooperative school district may at any annual meeting under a proper article in the warrant vote to establish a cooperative school budget committee and may rescind such action in like manner. The membership on said committee shall be determined on the basis of the annual amount contributed by each preexisting or component district for the expenses of the cooperative district. There shall be one member of the budget committee for the smallest contributor to the cooperative district and the membership from other districts shall be in proportion to their respective contributions, excluding the fractional parts. If the component districts continue to have their own annual school meetings the members of said committee shall be elected at said meetings. In all other cases the members of said committee from each preexisting district shall be elected at the annual cooperative school district meeting. II. Powers and Duties. Such cooperative school budget committee shall have the powers and duties of the municipal budget committee under the provisions of RSA 32 in so far as the budget for the cooperative school district is concerned.

On motion of Senator Holmes, the reading of the amendment was dispensed with and she explained the bill and the amendment: "Mr. President, HB 210 was considerably amended by the House so that the original bill 210 was not the bill which came into the Senate. The bill which reached the Senate will be found in the Journal of Thursday, May 4 of the House of Representatives.

"The purpose of this bill is to change the cooperative school law to give new and permissive methods of procedure

for forming future cooperative districts. Two of the most important changes are:

1. That instead of the two different formulae for formation, as in the present law, this law allows for a third plan which towns may work out and refer to the State Board for approval.
2. There is a provision for more members on cooperative school districts so that if a cooperative has numerous school districts it will be possible for each former district to have a representative on the cooperative board.
3. An advisory budget committee *may* be used by the cooperative district.

"All this tends toward a much more permissive handling of the problem of forming cooperative schools. The only amendments made in the Senate were technical ones where RSA citations were omitted and section numbers had to be changed, and we inserted formula 3 where it was inadvertently left out in the House amendment. We have made no substantive amendments from the House version of the bill."

Senator Buckley inquired: "Does this conflict with the municipal budget act?"

Senator Holmes: "No. This is permissive legislation. They may vote to use this or not. They *may* have an advisory budget committee, but it would not be binding in this case."

Senator Buckley: "In towns that have accepted the municipal budget act, they are responsible to the budget committee. Would they be responsible under this act?"

Senator Eaton: "This is an advisory group. They cannot be made an official group under the municipal budget act. This in no way affects the municipal budget law."

Senator Buckley: "Does this change the term of office of school board officials?"

Senator Holmes: "If you have an established plan, this does not change it. If you adopt another plan, it might be changed. This is permissive. If you stay with the present plan, there is no change."

The amendment was adopted, and the bill as amended was ordered to a third reading.

### Report of Committee of Conference

The Committee of Conference, to whom was referred House Joint Resolution No. 13, Joint Resolution authorizing a study of the operation of the milk control act, having considered the same, report the same with the following recommendation: That the House recede from its position of non-concurrence, that the Senate recede from its position in adopting its amendment, and that the following amendment be adopted:

Amend the Joint Resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the sum of Three thousand, one hundred seventy-eight dollars and seventy-eight cents is hereby appropriated for the purpose of a study by the Department of Agricultural Economics, College of Agriculture, University of New Hampshire, of the history, administration and operation of RSA 183 relating to milk control. Report of the results of this investigation shall be filed with the agricultural committees of the house and senate with a copy to the governor not later than June 1, 1961. The governor is hereby authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

Philip S. Dunlap

John E. Buntten

Conferees on the part of the Senate

William T. Robertson

E. A. Adams

John P. Dempsey

Conferees on the part of the House

Senator Dunlap: "Mr. President, the bill as originally drawn provided for \$5,000 appropriation. During the course of several conferences, the Farm Bureau, the University of New Hampshire, the Governor and leadership in the Agricultural Committees agreed that it would be wise to have the University of New Hampshire make the study. They proceeded with the study and completed it before this bill was considered in the House or Senate. When the bill came from the House to the Senate, the \$5,000 was deleted. The Senate refused to adopt the amendment and asked for a Committee of Conference. The Committee of Conference made a study and the House



and Senate Committee members unanimously approved the replacing of this amount of money in the bill to pay for the study."

On motion of Senator Dunlap, the Senate voted to adopt the report of the Committee of Conference on the above joint resolution.

On motion of Senator Lamontagne, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be made in order at the present time.

### **Afternoon Session**

#### **Third Reading & Final Passage of Bills**

SB 139, increasing the salary of the Belknap county attorney.

HB 50, relative to special fish and game licenses for non-resident members of the armed forces of the United States.

HB 172, relating to issuance of duplicate fish and game licenses.

HB 210, relative to cooperative school districts.

HB 457, legalizing the proceedings of the annual school district meeting held in the town of Auburn on March 10, 1961.

On motion of Senator Paquette, the Senate adjourned at 11:38 A.M.

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FRIDAY, JUNE 2, 1961

The Senate met according to adjournment.

### **Guests**

As the guest of Senator English, his son, Joe English.

Also, as the guests of Senator English, Reverend Byron Higgon of Jaffrey and Hurbert F. O'Neil of Jaffrey, 32 years Chief of Police there.

**Leave of Absence**

Senator Sawyer granted leave of absence on account of illness.

**House Message**

Mr. President:

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

HB 43, regulating small loans and providing limitations on rate of interest and charges generally.

The Message further stated that the House has voted to concur with the Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

HB 190, in amendment of Chapter 328, Laws of 1951, creating the New Hampshire Business Development Corporation.

HB 328, relative to salaries of Hillsborough county commissioners.

SB 92, relating to retirement benefits for Hazel D. Lord, Marion N. Sargent, Eva Robitaille and Gladys D. Charter.

The Message further stated that the House has voted to adopt the report of the Committee of Conference on the following entitled bill:

HB 124, to establish a department of safety.

**Read and Referred**

To the Committee on Banks & Insurance:

HB 43, regulating small loans and providing limitations on rate of interest and charges generally.

**Introduction, First & Second Reading of Senate Bills**

SB 146, amending the laws relative to education. (Eaton)  
To Joint Committee of Finance and Education.

SB 147, pertaining to Dillant-Hopkins Airport. (Eaton)  
To Committee on Ways & Means.

### Committee Reports

Senator Dunlap, for the Committee on Banks & Insurance:

SB 69, providing for the disposition of certain abandoned property. Ought to pass with amendment.

Amend said bill by striking out section 1 and inserting in place thereof the following:

1 Abandoned Property Removed from Safe Deposit Boxes. Amend RSA 385 by adding after section 3 the following new sections: 385:4 Delivery to State. At the expiration of five years after the removal of the contents of such safe or box, the corporation shall sell all the property or articles of value set out in said written statements at public auction, provided that a notice of the time and place of sale has been published once weekly for three consecutive weeks, the last such publication being no less than ten days before said public auction, in a newspaper published in the place where the sale is held, or having a general circulation in such place.

385:5 Disposition of Proceeds. From the proceeds of said sale the corporation shall deduct all its charges for rental up to the time of opening said box or safe, the cost of opening, further cost of safekeeping all its contents and any costs of said public auction, and shall deliver the net cash proceeds from such public auction to the state treasurer together with a statement of all charges deducted from the proceeds of said auction which shall be signed by the president, treasurer or superintendent of said corporation and acknowledged before a notary public or justice of the peace. The receipt of the state treasurer for the net cash proceeds realized from the contents of said box or safe shall constitute a full discharge of the corporation for such contents.

385:6 Record. The state treasurer shall keep in a book provided for that purpose a record of all such cash, with the names of the persons to whom it belongs, and their residences, so far as known.

385:7 Delivery Over; Escheat. The state treasurer shall deliver the net cash proceeds to the person or persons to whom it belongs, or to their legal representatives, whenever called for, provided however that said net cash proceeds delivered to the state treasurer and not claimed within twenty years after such delivery shall escheat to the state.

Senator Dunlap: "Mr. President, this bill as amended would give the banks in New Hampshire the chance to dispose of things abandoned in safe deposit boxes. Under the present rules, the banks drill a hole in the box after two years of no activity and when the rent has not been paid. After they drill the box, they are obliged to keep the contents in the banks. There is no provision whatever for disposing of it. This would give the banks the legal permission to hold a public auction and sell the contents and turn the money over to the State Treasurer."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Drake, for the Committee on Fisheries & Game:

HB 163, relative to free fish and game licenses for resident members of the armed forces. Ought to pass.

Senator Drake: "Mr. President, this is part of the general tightening up process that has been going on in regard to our hunting and fishing laws. It adds to the present legislation provision for members of the armed forces stationed outside of the state of New Hampshire. We have already passed legislation relative to special licenses for non-resident members. This would give free licenses to resident members on leave or on furlough. The requirements are that they have a copy of furlough papers when making an application for same. Date of furlough and number of days, etc. The Committee voted unanimously that the bill ought to pass."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

SB 138, relative for recording of instruments and acts in unincorporated places which have no clerk. Ought to pass.

Senator Cleveland: "Mr. President, this is a simple bill and provides that those documents that need recording at a town clerk's office in unincorporated places, they will be recorded at the registry of deeds office for that county."

The bill was ordered to a third reading.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills and House Joint Resolution:

HB 175, relative to entrance fees of credit unions.

HB 190, relative to the New Hampshire Development Corporation.

HB 328, relative to salaries of Hillsborough County Commissioners.

HB 343, relative to classification of a highway in the town of Goffstown and the city of Manchester.

HJR 26, in favor of Priscilla Morneau.

SB 92, relating to retirement benefits for Hazel D. Lord, Marion N. Sargeant, Eva Robitaille and Gladys D. Charter.

SB 118, to establish a new apportionment for the assessment of public taxes.

SB 125, legalizing the organization meeting and first annual meeting of the Monadnock Regional School District.

Marion L. Phillips  
For the Committee

### Concurrent Resolution

Senator Monahan offered the following Concurrent Resolution which was unanimously adopted:

providing for a study of amount of state contribution toward municipal sewage disposal facilities.

*Resolved*, by the Senate with the House of Representatives concurring,

*That* there is hereby established a special committee of three members to study the advisability of increasing from twenty to thirty per cent the state contribution toward the cost of municipal sewage disposal facilities provided for by chapter 149-B, RSA. Two members of said committee shall be appointed by the speaker of the house from among the membership of the house and one member shall be appointed by the president of the senate from among the membership of the senate. Said committee shall serve without compensation. Said committee shall make a report of its findings and recommendations to the 1963 legislature.

### Personal Privilege

Senator Monahan: "Mr. President: Under personal privilege I wish to clarify my remarks of May 25 relative to the Town of Ellsworth, which happens to be in the Fifth District. During the second reading of SB 141, abolishing the Town of Ellsworth, the Senator from the Seventh District inquired as to the status of the town.

"Not knowing of the bill until that day and not having been able to read the printed copy until yesterday, my answers may have been more general than they should have been.

"It is my understanding that the townspeople of Ellsworth do not wish to have their town abolished. Litigation bearing on this subject is now before the Hillsborough County Superior Court, initiated by a non-resident taxpayer.

There has been no hearing on SB 141, as implied by the JOURNAL of May 25. But as the Senator from the District including Ellsworth, I shall naturally expect a full and fair hearing whenever this matter is considered by the Ways & Means Committee.

"Mr. President, Ellsworth is not one of my political strongholds. As a matter of fact nine of the ten who voted in the September Primary supported my opponent. However, abolishing a town of any size in any District is serious business and I am sure the Senate will consider this bill in that light."

"I have no political debts to this small town, but all of its few voters are my constituents. Ellsworth is only a small town, but there are those who love it."

### Personal Privilege

Senator Eaton: "Mr. President, I simply wish to state that I was extremely remiss in not talking with the Senator from the 5th District about this matter before introducing the bill. I hereby humbly apologize. This was introduced at the request of a former Senator and a constituent of mine from the 10th District. I will only refuse to introduce legislation having to do with subversive or, in my opinion, crackpot. I think it is the right of every citizen to petition their legislators to submit legislation. No one is capable enough of knowing all the problems in the state. The main purpose for my remarks is that I

was very remiss in not consulting with the Senator from the 5th District. However, I would still have introduced the legislation."

The President: "I would invite the attention of the Senate. Unless there is objection, I intend to declare a Recess of 30 minutes. As I understand it, there is a possibility that we will be getting the Health & Welfare bill in that time. My only purpose in asking that we stay around is that if the amendments are explained and adopted by the Senate, the Engrossed Bills Committee can work on it over the week end. We are nearing the twilight of the session and any saving that we can do, we should do it. We expect to get the pay bills and the budget bills next week, and I think if we can save time, we should. I do believe that we should stay around for the next half hour. This will save the time that would be wasted otherwise."

Senator Cleveland inquired: "What are the amendments?"

The President: "They are technical amendments."

Senator Battles: "For the benefit of the Senator from the 7th District, these are purely technical amendments. They have all been printed in the House Journal twice. I would be happy to get the dates of the Journals and the pages if the Senator wishes."

Senator Cleveland inquired: "Who will explain these amendments?"

Senator Battles replied: "The Senator from the 24th District. He was the Chairman of the Joint Committee."

The President declared a Recess until 12:15 o'clock.

(Recess)

The Senate reassembled.

### House Message

Mr. President:

The House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:



SB 49, establishing a department of health and welfare and providing for the merger therein of certain departments and agencies within the state government.

Amend 126-A-8 as inserted by section 1 of said bill by striking out said section and inserting in place thereof the following:

126-A:8 Advisory Commission; Establishment. There shall be an advisory commission on health and welfare consisting of eleven members appointed by the governor and council for a term of five years and until their successors shall be appointed and qualified. The advisory commission shall be comprised of one physician specializing in psychiatry, one pediatrician, and one general practitioner or internist, each of the foregoing to be first nominated for appointment by the New Hampshire State Medical Society, one psychologist to be nominated for appointment by the New Hampshire Psychological Association, one social worker to be nominated for appointment by the New Hampshire chapter of the National Association of Social Workers, one dentist to be nominated by the New Hampshire Dental Association and five members-at-large who are not members of the medical profession who shall include representatives of nongovernment organizations or groups concerned with the operation, construction, or utilization of hospitals, including representatives of the consumers of hospital services, to be nominated and appointed by the governor and council, having due regard for their individual background and interest in the field of health and/or/welfare. The commissioner of health and welfare will be an additional members of the advisory commission when the commission is performing the duties now set forth in RSA 151:11 and RSA 152:5. Nominations to the governor and council shall be promptly submitted both with respect to initial and successor appointments as well as the filling of vacancies, to the end that there shall be the least possible period of less than full membership of the advisory commission. Whenever nominations to the governor and council from any sources are delayed for longer than a period of thirty days after receipt of notice from the secretary of state that the nomination is required, the governor and council are authorized to appoint without such nomination, but having due regard to the qualifications required of each appointee as set forth herein. Initial appointments by the governor and council shall be as follows: three members for one

year, two members for two years, two members for three years, two members for four years, and two members for five years. Vacancies shall be filled for the unexpired term in the same manner as the original appointment. The commission shall have a chairman, who shall be designated by the governor from among its membership. The term of the chairman shall be for one year. He may be reappointed as chairman but for not more than three consecutive years, and thereafter shall be ineligible to be chairman. The commission shall meet not less frequently than quarterly and at such other times as it may be convened by the call of the chairman, the call of the commissioner, and on the petition of any three members it shall be the duty of the chairman to convene the commission forthwith. Members of the commission shall receive no per diem but shall be entitled to expenses including mileage when in the performance of duties required by this act.

Amend RSA 126-A:30 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

126-A:30 Laconia State School; Superintendent. Upon nomination of the commissioner of health and welfare, with the approval of the advisory commission, the governor and council shall appoint a superintendent of the Laconia state school who, subject to the control of the director of the division of mental health, shall have charge of the lands, buildings, furniture, tools, implements, stock provisions, and other property of the institution. He shall keep, in suitable books, regular and complete accounts of all his receipts and expenditures, and of the debts, credits, contracts, and property of the institution, showing its income and expenses, and shall account to the director of the division of mental health annually, and at such other times as he may require, for all money received and paid out by him. Such accounts shall be specific, containing the dates and amounts of all receipts, and the date, quantity and price of every article purchased or procured. There is specifically excepted from the foregoing such accounts and accountability as is required otherwise by the department of administration and control. The superintendent shall be a constant resident at the institution, and he and subordinate officers of the school, under his direction, shall have custody and charge of the scholars therein, shall discipline, govern, instruct and employ them, and shall use their best endeavors to preserve

their health, promote their improvement in such studies, trades, and employments as may be suited to their ages and capacities, and to secure the formation of moral, religious and industrious habits. The superintendent of the Laconia state school in office on the effective date of this chapter shall continue in office, subject to all the provisions of this chapter as though initially appointed pursuant to this section.

Amend section 5 of the bill by striking out the same and inserting in place thereof the following:

5 Salaries. Amend RSA 94:1 (supp) as amended by striking out the following lines "Commissioner of public welfare, minimum \$10,634, maximum \$12,220" and "State health officer, minimum \$11,232, maximum \$12,896" and inserting in the proper alphabetical place the following salaries:

	Minimum	Maximum
Commissioner of health and welfare	\$15,000	\$16,875
Director, division of public health services	14,200	14,800
Director, division of welfare	11,478	13,064
Director, division of mental health	14,500	15,875

Amend section 7 of the bill by inserting after the figure "126-A:10" in the third line the words, Seventy-five thousand dollars of said sum shall be used for community mental health services only and no part of the same shall be transferred to any other appropriation; further amend by inserting after the word "from" in the fifth line the words, the balance of, so that said section as amended shall read as follows: 7 Appropriation. The sum of one hundred thousand dollars is hereby appropriated to the department of health and welfare, division of mental health, for the implementation of the provisions of RSA 126-A:10. Seventy-five thousand dollars of said sum shall be used for community mental health services only and no part of the same shall be transferred to any other appropriation. Upon the request of the commissioner, after consultation with the advisory commission and with the approval of the governor and council, transfers from the balance of this appropriation may be made to any appropriation within the department. This appropriation shall not lapse on June 30, 1962 but shall continue to be available for expenditures in the succeeding fiscal year. It shall be a charge upon any funds of the state not otherwise appropriated.

Amend section 9 of said bill by adding at the end thereof the following words, The authority of the governor and council, to approve intra-departmental organization as set forth in paragraph II of RSA 126-A:2 as hereinbefore inserted, and approve the filling of vacancies in the classified service after July 1, 1961 as set forth in paragraph IV of RSA 126-A:2 as hereinbefore inserted, shall terminate as of June 30, 1963, so that said section as amended shall read as follows:

9 Authority of Governor and Council. Provided that if further regulation and designations are required by the federal government in connection with eligibility of the Department of Health and Welfare to receive and use federal funds heretofore available to the existing agencies hereby merged or funds to be available to the new department, the governor and council are hereby authorized to adopt such regulations and to make such designations as may be required to effectively accomplish the purpose hereof. The authority of the governor and council, to approve intra-departmental organization as set forth in paragraph II of RSA 126-A:2 as hereinbefore inserted, and approve the filling of vacancies in the classified service after July 1, 1961 as set forth in paragraph IV of RSA 126-A:2 as hereinbefore inserted, shall terminate as of June 30, 1963.

On motion of Senator Humphreys, the reading of the amendments was dispensed with and he explained the amendments in detail:

Mr. President:

Senate Bill 49 passed this body on March 9. It was introduced in the House on March 15. The proposed committee majority amendments are printed in the House Journal of May 4, page 11 through 28.

The bill as it passed the House and has been returned to us contains amendments recommended by the committee on Executive Departments of the House and the House Appropriations Committee. I will summarize these amendments for the Senate briefly without referring to which House committee originated them. My summary is directed to the difference between Senate Bill 49 as we passed it and as it is returned to us from the House. It is my recommendation that the Senate concur with the House amendments.

A. The House increased the advisory commission to 11 members from 9 members adding a dentist nominated by the

New Hampshire Dental Association and a fifth member at large requiring that the members at large shall include "representatives of non-government organizations or groups concerned with the operation, construction, or utilization of hospitals, including representatives of the consumers of hospital services . . . having due regard to their interest in the field of health and/or welfare". The House further required that the commissioner of the department shall be an additional member of the advisory commission when the commission is performing duties concerned with RSA 151, section 11 and 152, section 5, also having to do with hospitals.

This amendment was at the request of and for the purpose of assuring compliance with eligibility of the department for federal funds under existing programs. (126-A:8)

B. The House amended section 126-A:9 to assure the right of patients to communicate on a confidential basis with the chairman or any member of the advisory commission with respect to personal problems and that no disciplinary action should be taken against any patient exercising such privilege. (126-A:9)

C. The House amended section 126-A:10 to make the position of coordinator of community health services a classified position rather than unclassified deleting reference to the exact amount of the salary of the coordinator.

D. The House amended section 126-A:11 to provide for continuity in the pattern of regulations of existing divisions upon recommendation by the director of the division concerned either by way of original promulgation or approval of regulations recommended to him by the director of divisions concerned.

E. The House amended section 126-A:12 to provide that to accord with Federal requirements that the commissioner or his designated representative should conduct fair hearings on application for hospital construction projects.

F. The House amended section 23 with respect to welfare to provide for the same hearings on appeals by applicants for and recipients of public assistance, and that the commissioner should conduct the fair hearings of applicants rather than the director of public welfare.

G. The House amended section 126-A:28 to make the position of director of the Child Guidance Clinic a classified position continuing the director of the clinic in office as a classified office holder without reduction in salary.

H. The House amended section 126-A:30 substituting the director of the division of mental health for the commissioner of the department in direct control of the superintendent of the Laconia State School.

I. The House amended section 126-A:33 to substitute the advisory commission established by the act for the director of the division of public health services so that the powers, duties and functions of the hospital advisory council abolished by the act would henceforth be performed by the advisory commission rather than by the director of public health service.

J. The House changed the salary schedules of the commissioner and the directors of the divisions by amounts of a minor character setting ranges that appear on page 45 of the Journal of May 31. It also amended section 7 of SB 49 by requiring that 75,000 of the \$100,000 appropriated to the division of mental health office of coordinator should not be transferred to any other appropriation and should be used for community health services only.

K. The House amended section 9 so as to end the authority of the governor and council to approve intra-departmental reorganization, as well as the filling of vacancies of classified services, on June 30, 1963. No such provision was in section 9 in the bill in the form in which it passed the Senate.

Mr. President, I move that the Senate concur in the foregoing amendments passed by the House.

Question being on motion of Senator Humphreys.

Senator Bergeron inquired: "Under child guidance, those cities or towns who now have that type of operation, will they lose the help that they have been getting from the state?"

Senator Humphreys: "I would say that under this bill, the help to these cities and towns would be increased rather than decreased."

Senator Cleveland: "Parliamentary inquiry — If we vote to concur in these amendments sent up from the House, is this bill still in our possession and open to further amendment?"

The President replied in the negative.

Senator Cleveland: "If we vote to concur, no person can offer an amendment from the floor?"

The President replied in the negative, and stated that there was no way to offer an amendment now.

Senator Cleveland: "If we do not concur, then the bill will go to a Committee of Conference and they can amend the bill?"

The President replied in the affirmative.

Senator Drake requested a one minute Recess, in order that he might study the amendments.

The President granted the request.

(Recess)

The Senate reassembled.

Question being on motion of Senator Humphreys that the Senate concur in adoption of the amendments.

On a *viva voce* vote, the Senate voted to concur in the adoption of the amendments.

The President recognized Senator Gardner: "Mr. President, I would like to state right now that I will have a separate bill drawn up to specifically do some of the things that I object to. I have been in the Governor's office and they will see that a separate bill is drawn up to protect the welfare department."

Senator Monahan: "Mr. President, I opposed the motion to concur out of deference to the Senator from the 4th District who is absent today. That is my reason for voting no."

The President recognized Senator Cleveland: "Under personal privilege. I would like to be recorded as opposing this method of passing this bill. I don't think it is right that this should have come in this way with so little notice to some members of the Senate."

The President: "I am not assuming to try to pull anything fast. I have tried to be fair from the first day that I have presided. Word went out to all Senators that I would ask for the Recess in order to save time by getting these amendments adopted so that the Committee on Engrossed Bills might work



over the week end. I don't think the Chair can be accused of trying to put anything over on anybody."

Senator Cleveland: "I am not saying the Chair is trying to pull anything. Procedures like this are not proper. I still think that when things are done in haste like this, it is not good. I just don't think it is particularly fair to put the Senators in that position."

The President: "As long as I am presiding, I will try to be as fair as I possibly can."

On motion of Senator Battles, the Senate refused to reconsider its vote whereby it voted to concur in the adoption of the amendments sent up from the House.

On motion of Senator Paquette, the Senate adjourned from the morning session.

### Afternoon Session

#### Third Reading and Final Passage of Bills

SB 69, providing for the disposition of certain abandoned property.

SB 138, to provide for recording of instruments and acts in unincorporated places which have no clerk.

HB 163, relative to free fish and game licenses for resident members of the armed forces.

On motion of Senator Paquette, the Senate adjourned at 2:05 P.M. to meet next Tuesday morning at 11 o'clock.

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TUESDAY, JUNE 6, 1961

The Senate met according to adjournment.

#### Guests

As the guests of the President, his wife, Mrs. Dorothy Green, and friend Mrs. Grant McIntosh of Manchester. Also, Mrs. Charles Hunt, Mrs. Robert Allard, Mrs. J. Pananos and Mrs. A. Bureau, all of Manchester.

As the guest of Senators Eaton and English, Mr. Henry Bemis of Fitzwilliam, N. H.

As the guests of Senator Holmes, Mrs. Marion S. Chapman, Republican Vice Chairman from Amherst, and her friend Miss Emily Gayton of Wethersfield, Conn.

As the guests of Senator Dunlap, Mrs. Walter Sterling and Mrs. Doris Whitcomb, both of Hillsborough, and Mrs. Barbara Whitney of Peterborough.

As the guests of the President, his brother, Attorney Meyer Green of Manchester, and Attorney Ralph R. Mickelson of Chicago.

The President also welcomed the Republican women of Hillsborough County who are today visiting the State House in connection with "Legislative Day" sponsored by the Women's Division of the Republican Party.

Mrs. Elsie M. Brown, Chairman, Women's Division. Mrs. Norma Currier, National Committee Woman. Mrs. Anne Hutchinson, Milford; Mrs. Ann Van Loan, Bedford; Mrs. Dorothy Hunt, Manchester; Mrs. Winifred Schmiedtgen, Nashua; Mrs. Judy Levesque, Nashua, Mrs. Henry F. Goode, Manchester; Mrs. Ralph Halberg, Manchester; Mrs. Paul Newton, Manchester; Mrs. Crawford E. Fortescue, Nashua; Mrs. Fred A. Hoyt, Jr., Bedford; Mrs. Chester E. Jones, Nashua, Mrs. Wm. C. Petraske, Nashua, Mrs. George Charpentier, Nashua; Mrs. Robert Burns, Jr., Nashua; Mrs. Eugene de Pontbriand, Nashua; Miss Mildred Fuller, Nashua; Mrs. Henry Kulas, Nashua; Mrs. David Cross, Nashua; Mrs. J. Gerard Levesque, Nashua; Mrs. Maurice E. Chagnon, Nashua; Mrs. Elliott Orcutt, Mrs. Ulrika B. Adams, Mrs. Louise Baghdoyan.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HB 206, relating to the construction of state armories.

HB 157, relative to retired members of the policemen's retirement system.

HB 418, relative to legislative mileage.

HB 385, authorizing the superintendent of state police to establish a police training school.

HB 159, to rehabilitate the Sunapee state park sinking fund.

HB 170, establishing the office of judicial referee.

HJR 3, providing funds for state nursing scholarship programs.

The Message further stated that the House has voted to concur with the Senate in its amendments to the following entitled bills:

HB 50, relative to special fish and game licenses for non-resident members of the armed forces of the U. S.

HB 172, relating to issuance of duplicate fish and game licenses.

### **Read and Referred**

To the Joint Committee of Finance and Military & Veterans Affairs:

HB 206, relating to the construction of state armories.

To the Committee on Finance:

HB 157, relative to retired members of the policemen's retirement system.

HB 418, relative to legislative mileage.

HB 385, authorizing the superintendent of state police to establish a police training school.

HB 159, to rehabilitate the Sunapee state park sinking fund.

HJR 3, providing funds for state nursing scholarship programs.

To the Committee on Judiciary:

HB 170, establishing the office of judicial referee.

### Introduction, First & Second Reading of Senate Bills

SB 148, establishing the penalty for collusive bidding on contracts for public works or purchase. (Senators McMeekin & Lamontagne — Rules) To the Committee on Judiciary.

SB 149, relative to insurance on police employees. (Battles — Rules) To Finance.

### Committee Reports

Senator Paquette, for the Committee on Ways & Means:

HB 180, to increase the terms of office of the clerk and treasurer of the city of Nashua. Ought to pass.

Senator Eaton: "Mr. President, this bill was introduced by Representative Brosnahan of Nashua and at the Committee hearing appeared Mr. Underhill, Representative from Nashua, and two of our Senators. This bill simply increases the tenure of office of the clerk and treasurer of Nashua. They are now elected every two years. This bill has nothing to do with giving them tenure. But they do have to campaign every two years. This bill will increase the term to five years, but not the same year as the Mayor and Aldermen campaign. It amends sections of the City charter only that refer to their tenure of office."

Senator Paquette: "Mr. President, we held a hearing in Nashua on this bill. All were in favor and no opposition."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

SB 135, to repeal charters of certain corporations. Ought to pass.

Senator Cleveland: "Mr. President, this is the usual bill that comes in at the end of each session where the corporations that have failed to pay their filing fees are declared to be dissolved. This bill will go to the House for last minute amendments."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

SB 128, relating to fire prevention in nursing homes. Ought to pass with amendment.

1 Nursing Homes Fire Protection Regulations and Inspection. Amend said bill by striking out all after the enacting clause and inserting in place thereof the following: Amend RSA 151:9 by inserting in line eight thereof after the word "interest" the following, ; excepting, however, the state board of fire control may in accordance with the provisions of chapter 153 RSA adopt, promulgate, modify, amend, rescind, supervise and enforce rules, regulations and standards and supervise and enforce all laws, relative to the protection of life and property from fire, fire hazards and related matters; and it may prescribe, make or cause to be made inspections relative to such matters, so that said section as amended shall read as follows:

151:9 Rules and Regulations. The state department of health with the advice of the hospital advisory council shall adopt, promulgate and enforce rules, regulations and standards with respect to the different types of hospitals and related institutions to be licensed hereunder as may be designed to further the accomplishment of the purposes hereof as herein set forth; such rules, regulations and standards shall be modified, amended or rescinded from time to time by said department with the advice of the hospital advisory council as may be in the public interest; excepting, however, the state board of fire control may in accordance with the provisions of chapter 153 RSA adopt, promulgate, modify, amend, rescind, supervise and enforce rules, regulations and standards and supervise and enforce all laws, relative to the protection of life and property from fire, fire hazards and related matters; and it may prescribe, make or cause to be made inspections relative to such matters. No such rules, regulations or standards shall be adopted or enforced which would have the effect of denying a license to a hospital or other institution required to be licensed hereunder, solely by reason of the school or system of practice employed or permitted to be employed by physicians therein; provided that such school or system of practice is recognized by the laws of the state. Provided, however, that no regulation or requirement shall be made nor standard established under this act for any hospital or related institution conducted for those who rely upon treatment by spiritual means or prayer in accordance with the creed or tenets of any well recognized church or religious denomination, except as to the sanitary and safe condition of the premises, cleanliness of operation, and its physical equipment.

2 Takes Effect. This act shall take effect sixty days after its passage.

On motion of Senator Cleveland, the reading of the amendment was dispensed with.

Senator Cleveland: "Mr. President, this bill which was introduced by Senator Lamontagne has to do with the problem of control of the nursing homes by the department of health and by the office of the fire marshal. There have been several situations where there has been a conflict between these two departments. This straightens out the jurisdiction between these two offices and was worked out by these departments with the cooperation of the Senator from the 1st District."

Senator Drake: "Mr. President, thank heaven for a bill like this. I wholeheartedly endorse it."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HJR 16, in favor of Wilbur J. Little. Ought to pass.

Senator Cleveland: "Mr. President, the purpose of this joint resolution is to waive a lien which the state would have on a recovery affected by Mr. Little as the result of a suit against the driver of a car that caused him considerable damage. This would be paid by the Public Works & Highways. Mr. Little is a long time employee of the department. If the lien is not waived, it would mean that Mr. Little would receive practically nothing. It was the unanimous opinion of the Committee that it ought to pass. The highway department appeared in favor."

The joint resolution was ordered to a third reading.

Senator Dunlap, for the Committee on Banks & Insurance:

HB 366, relative to motor vehicle sales finance. Ought to pass with amendment.

Amend subparagraph V of 361-A:1 as inserted by section 1 of the bill by striking out said subparagraph and inserting in place thereof the following:

"Motor vehicle" means any device having a cash sale price of \$7,500.00 or less, propelled or drawn by any power other than muscular power, in, upon or by which any person or prop-

erty is or may be transported or drawn upon a highway, excepting power shovels, road machinery, buses, agricultural machinery and house and boat trailers.

Amend subparagraph (4) of Paragraph II of 361-A:7 as inserted by section 1 of the bill by striking out said subparagraph and inserting in place thereof the following:

(4) The amount, if any, included for insurance and other benefits specifying the types of coverage and benefits, stating separately by rate or in terms of dollars, the amount charged for credit sickness, accident and life insurance, whether issued under a group policy or not.

Amend subparagraph (7) of Paragraph II of 361-A:7 as inserted by section 1 of the bill by striking out said subparagraph and inserting in place thereof the following:

(7) The amount of the finance charge, and specification of the types of coverage and benefits for any insurance coverage or other benefits included therein, with the rate for credit sickness, accident and life insurance stated separately by rate or in terms of dollars, whether issued under a group policy or not.

Amend section 2 of the bill by striking out the word "July" where it appears therein and inserting in place thereof the word "October", so that said section as amended will read as follows:

2. Takes effect. This act shall take effect as of October 1, 1961.

On motion of Senator Dunlap, the reading of the amendment was dispensed with.

Senator Dunlap: "Mr. President, there are three amendments to the bill. First, puts an exemption on any vehicle costing over \$7,500 into the bill. Also, would exempt boat trailers. Second, would provide that the credit sickness, accident and life insurance would have to be specifically set forth in the charge. Third, would provide that the finance charge itself would have to indicate what the premium was. This bill has a takes effect date of October 1st instead of as originally written, July 1st, for obvious reasons."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Dunnington, for the Committee on Public Works:



SB 57, extending the powers of the Maine-New Hampshire Interstate Bridge Authority. Ought to pass with amendment.

Amend the title of said bill by inserting after the word "Act" therein the words, establishing an interim committee to study the question of, so that said title as amended shall read as follows: An Act establishing an interim committee to study the question of extending the powers of the Maine-New Hampshire Interstate Bridge Authority.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Committee, Established. There is hereby established a nine-member interim committee consisting of: the commissioner and deputy commissioner of public works and highways, the councillor from the second district, the chairmen of the Senate and House of Representatives public works committees, one New Hampshire member of the Maine-New Hampshire State Bridge Authority, to be appointed by the governor, one member of the New Hampshire State Port Authority, to be appointed by the governor, and two New Hampshire citizens, to be appointed by the governor, at least one of whom shall be a resident of Portsmouth. Said committee is hereby directed as an extension of the Urban Transportation study of Portsmouth now under way, to develop an engineering and economic study of the problem of constructing a bridge over the Piscataqua River at Portsmouth, New Hampshire and approaches thereto, as part of Interstate Route 95 or as a connecting link between Interstate Route 95 in New Hampshire and Interstate Route 95 in Maine when built in accordance with the standards of the State of New Hampshire for comparable traffic volume. It is further directed that the committee shall if possible employ the same consulting engineers who are now making an Urban Transportation Study of the city of Portsmouth, at the request of the department of public works and highways, and shall cooperate wherever possible with any commission or committee established by the Maine state legislature to accomplish a similar study for the state of Maine. This study shall include a comparative analysis of revenue bond and toll financing vs. financing through a contribution of Federal Highway funds in the approximate proportion of 90 per cent of the construction cost as provided by the Federal Highway Act of 1956. Said com-

mittee shall report its findings to the governor and the 1963 general court prior to its convening.

2 Appropriation. The members of said committee shall be paid at the rate of ten dollars per day when occupied in the work of said committee and the expenses of said committee, including, but not being limited to, secretarial help, keeping of minutes of all meetings, hiring of consultants, writing of reports, printing of final report, and any other regular and necessary expenses shall be paid, provided that the commissioner and deputy commissioner of public works and highways shall not receive the above provided per diem: all of which shall be paid for out of funds of the department of public works and highways.

3 Governor and Council. The governor and council are hereby authorized to resolve any technicality that might arise that would preclude the carrying out of the intent of this act.

4 Takes Effect. This act shall take effect upon its passage.

On motion of Senator Dunnington, the reading of the amendment was dispensed with.

Senator Dunnington: "Mr. President, the original bill involved the construction of a new interstate bridge in Portsmouth. This bridge would cost approximately 20 million dollars. At the hearing, there was a noticeable difference of opinion on several different matters. One was as to where the bridge should be built — up the river or along parallel to the present bridge. Also a difference of opinion as to what approaches should be built to the bridge. Also, a strong difference of opinion as to how the bridge should be financed. One group was in favor of a state bond issue which would be paid off out of tolls. Another group, including our own Public Works department, were much in favor of a 90-10 proposition, where this road would be made a part of Interstate 95. Because of these differences of opinion and because of the lack of the necessary facts, this Committee amended the bill to have the whole question sent to a nine man interim committee for a report to be made to the governor and the 1963 general court prior to its convening."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Monahan, for the Committee on Engrossed Bills:

HB 124, to establish a department of safety. Report the same under Joint Rule No. 6 with the following amendment:

Amend paragraph II of section 2 of said bill by striking out the words "Providing, always", in the fifth line and inserting in place thereof the word, provided.

Amend RSA 106-B:13 as inserted by section 4 of the bill by striking out the word "superintendent" and inserting in place thereof the word, director.

Amend section 15 of said bill by striking out the word and figure "section 24" in the twenty-third line and inserting in place thereof the figure, RSA 376:24.

Senator Monahan: "Mr. President, these amendments are purely technical. I move that the Senate adopt the amendment."

On a *viva voce* vote, the Senate voted to concur in the adoption of the amendment.

Senator Monahan, for the Committee on Engrossed Bills:

HB 436, authorizing cities and towns to construct moving sidewalks. Report the same under Joint Rule No. 6 with the following amendment:

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1 Town Appropriations. Amend RSA 31:4 by inserting after paragraph XXXVI (supp) as inserted by 1961, 81:1 the following new paragraph: XXXVII. Moving Sidewalks. To construct, operate and maintain within

On motion of Senator Monahan, the Senate voted to adopt the amendment.

Senator Monahan, for the Committee on Engrossed Bills:

HJR 13, joint resolution authorizing a study of the operation of the milk control act. Report the same under Joint Rule No. 6 with the following amendment:

Amend said resolution by striking out the date "June 1, 1961" and inserting in place thereof the date, July 1, 1961.

On motion of Senator Monahan, the Senate voted to adopt the amendment.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills:

HB 163, to repeal free fish and game licenses for resident members of the armed forces.

HB 172, relating to issuance of duplicate fish and game licenses.

HB 415, relative to fees for private boat registration.

HB 457, legalizing the proceedings of the annual school district meeting held in the town of Auburn on March 10, 1961.

SB 67, relative to collection of taxes from contractors and sub-contractors.

HB 201, providing for the classification of the surface waters of the Lake Massabesic watershed and the Millers River watershed.

Robert S. Monahan  
For the Committee

The President recognized Senator Dunlap: "Mr. President, a question on procedure. Insofar as I can determine, HB 81, extending the provisions of law relative to an accelerated highway construction and improvement program, had only one hearing. This matter is disturbing to a resident in the 9th District who hoped to appear at the hearing. Should not this bill have been posted for two days?"

The President: "As I understand the rules, two days' notice is required."

Senator Dunlap: "It was posted for hearing in the Friday, June 2nd Journal. It is an important matter to the person concerned. He wanted to appear at the hearing, and kept an eye peeled. He was told by the Clerk that a hearing had been held and there was nothing much that he could do about it. I bring this up because I do think it is contrary to the rules."

The President stated that he would refer the Senator to the Clerk of the Committee.

Senator Caron: "Mr. President, I would like to state, and would appreciate it very much if the papers would take

notice of this — we have a chairman of the Finance Committee who has been here at the State House every morning at 8 o'clock ever since last January and I would like to give him thanks and appreciation for the work that he is trying to do."

The President: "I am sure these thoughts are shared by every member of the Senate. I thought I got here early, but he gets here earlier. I would also give credit to all Committee Chairmen and to the members of the various Committees, they have been working very very industriously to get the show on the road. They have done a swell job."

Senator Cleveland: "Mr. President, about the twilight of the session. In the Judiciary Committee this morning we had SB 142, to establish a uniform motor vehicle certificate of title and anti-theft act, and SB 140, relative to trespassing on uncultivated land. These were both controversial bills. I think the time has come for you to sit down with the Senate Counsel and find out how many more bills of this type are coming in. This morning, we passed four or five amendments without having them read. I think it would be a good procedure to adopt, and I would so move that the Committee Chairman ask the Clerk to have the amendments printed in the Journal so that the members may know what the amendment does."

The President requested Senator Cleveland to withdraw his motion and instead he would request that all amendments now be printed in the Journal with the reports.

Senator Monahan: "Mr. President, last Friday, we adopted the amendments approved a few minutes earlier by the House to the Health and Welfare bill. I did not have a chance to look at those amendments then and did not have an opportunity to look at them until I saw the Journal on Monday. We were urged that if we took this action, the Engrossed Bills Committee could work on the bill over the week end. I know that argument was made in good faith. But due to the hastily drafted amendments to the Safety bill, the Attorney General's office has not been able yet to do anything on the bill that we passed on Friday. Therefore, we could have acted on the amended bill today with all Senators present, especially the Chairman of the Public Health Committee, without delaying the normal procedure of passing legislation."

## House Message

Mr. President:

The House of Representatives has passed the following Concurrent Resolution, in the passage of which it asks the concurrence of the Honorable Senate:

*Whereas*, The Profile in Franconia Notch, well-known to all New Hampshiremen as The Old Man of the Mountains, is a beloved and famous feature of our state, and

*Whereas*, the natural forces which created this Profile are forever working to effect its destruction, and

*Whereas*, the late Reverend Guy Roberts, because of his personal interest, climbed to the forehead in 1906, did recognize this danger to The Profile and was responsible for alerting the State of New Hampshire as to its precarious state; and did influence the late Edward H. Geddes to assume the risk of effecting repairs, and

*Whereas*, the late Edward H. Geddes, through his investigations with the Reverend Roberts, did, by native ingenuity, devise methods to preserve its stability; and, by great physical endurance, carried on his back, despite his fifty years, the necessary tools and devices over miles of rough mountain terrain to the remote precipitous site; and, with courage and skill, made installations at the risk of life and limb in the face of high altitude mountain conditions, and

*Whereas*, the engineering soundness and effectiveness of the devices which he installed on Profile Mountain in 1916 are today acknowledged by eminent geological engineers, who have ascertained that the ledges so secured have not moved appreciably.

*Therefore, Be It Resolved*, that the General Court of New Hampshire does gratefully acknowledge, on behalf of the residents of this State and the untold millions who have been attracted to this natural phenomena, a debt of gratitude to Edward H. Geddes and the Reverend Guy Roberts, and approves arrangements to have this acknowledgment made known by a suitable plaque to be installed in an appropriate place in Franconia Notch, and

*Be It Further Resolved* that a committee, consisting of a member of the House of Representatives appointed by the

Speaker, a member of the Honorable Senate appointed by the President, and a member of the Public at Large, be appointed by the Governor and instructed to make recommendations to the General Court at its 1961 session for a suitable plaque and the installation thereof, together with a request for such funds as may be deemed necessary to accomplish this.

Senator Monahan: "Mr. President, I rise in support. I am familiar with the history of this. In 1959, we appropriated funds to study the work that had been done years ago by Mr. Geddes and see what additional work needed to be done. That work has been done and in the course of checking the early safeguards by Mr. Geddes, they were found to be in remarkably good condition. This is long overdue recognition of the efforts and foresight of Mr. Geddes and Reverend Guy Roberts. I would suggest that the plaque be placed on a boulder in the wide open spaces and not inside a building, particularly after the fire at the building at the Flume a day or so ago."

Senator McMeekin: "Mr. President, I am in favor of the Concurrent Resolution, but I question the date of 1961."

(Discussion ensued)

On motion of Senator McMeekin, the above Concurrent Resolution was laid on the table for study as to date of 1961.

At the suggestion of the President, the Senate stood in silence for one minute out of respect to those men who died on this date seventeen years ago, D day in Europe.

(In Silence)

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time.

### **Afternoon Session**

#### **Third Reading and Final Passage of Bills**

SB 57, establishing an interim committee to study the question of extending the powers of the Maine-New Hampshire Interstate Bridge Authority.

SB 128, relating to fire prevention in nursing homes.

SB 135, to repeal charters of certain corporations.



HB 180, to increase the terms of office of the clerk and treasurer of the city of Nashua.

HB 366, relative to motor vehicle sales finance.

HJR 16, in favor of Wilbur J. Little.

On motion of Senator Paquette, the Senate adjourned at 11:55 A.M.

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WEDNESDAY, JUNE 7, 1961

The Senate met according to adjournment.

### Guests

As the guests of the Senators from the 2nd, 3rd, 4th and 5th Districts, the Republican ladies of Carroll, Coos and Grafton Counties who are visiting the State House today in connection with "Legislative Day" for these Counties, as guests of the Women's Division of the Republican Party.

As the guests of the President and the Manchester Senators, Mrs. Provost, the wife of the Senator from the 18th District, and the Junior Class of Villa Augustina and two Sophomore candidates of the National Honor Society Miss Sharon Chapman and Miss Christine Provost, the daughter of Senator Provost. The class is in charge of Reverend Father George Harvey, Reverend Mother Augustine and Reverend Mother Clement. Also, the son of Senator Provost, Mr. Norman Provost, student at Catholic University School of Law, and a sister-in-law, Mrs. Adrien Labrecque of Manchester.

As the guests of the President and Senators Bergeron, Daniel and Caron, Mr. Raymond Garon of Garon's Super Market, Manchester, and Mr. Herve Samson of Manchester.

As the guest of Senator Paquette, Mr. Emery Rock of Nashua.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HB 447, relative to use of funds by credit unions.

HB 337, relative to the charter of the Orford fire engine company.

HB 442, relative to the licensing of real estate brokers and salesmen.

HB 449, relative to term of office of members of the state soil conservation committee.

HB 229, for the acquisition of the Adams property in Durham for development of wildlife management area.

HB 249, relative to financing of insurance agents.

HB 466, relative to county conventions.

HJR 34, providing for a study into the feasibility of state participation in cost of group insurance for state employees.

The Message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

HB 124, to establish a department of safety.

The Message further stated that the House has voted to concur with the Senate in the passage of the following entitled bills, sent down from the Senate:

SB 129, relative to the department of employment security.

SB 130, relative to notice to department of employment security of licensed employment offices.

The Message further stated that the House refuses to concur with the Senate in the adoption of the amendment to the following entitled bill sent down from the Senate:

HB 63, providing for seasons for the taking of deer. and requests a Committee of Conference; the Speaker has appointed as members of said Committee of Conference on the part of the House, Messrs. Converse of Pittsburg, Spaulding of Plainfield, and Vashaw of Berlin.

Senator Drake: "Mr. President, under personal privilege. On Monday, June 5th, appeared in the Concord Monitor an article under 'Deer, Probe Bills Pushed.' "

A stalemate on a one-season deer bill may be tied to Governor Powell's \$10,000,000 recreation promotion measure, in an effort to force the Senate to accept it.

Proponents of the one-season bill have been biding their time for several weeks in the face of a deliberate Senate snub, since the measure was given two-to-one House endorsement.

The Senate turned down the single season House mandate and voted to swing the present two-season dividing line from the populated central part of the state, further north into the uninhabited White Mountains. Then, when the House refused to concur in this compromise and asked for a conference committee, the Senate refused to even grant that courtesy.

Influential members of the House Fish and Game committee disclosed over the weekend to the weekend that they now plan to tack an amendment onto the governor's recreation rejuvenation bond issue, when it comes up for House vote on Wednesday. "We'll let the Senate chew on that one for a while," a committee member said. "Then, we have some more amendments to other bills, which we'll try to let the Senate worry about, if this does not get results."

The Monitor learned the House leadership is quietly supporting this extraordinary action to force the Senate to agree to at least a conference on the deer season deadlock.

"I think it is very clear to all here, and it should be to the newspapers as well, there had been no request from the House for a Committee of Conference. This Message from the House has just been introduced. I think that this has been fed to the newspapers pretty deliberately. I just hope that any of these amendments that come in will be gauged in the proper light in view of this. I only hope that the Senate will look very firmly at any bills that come in with any such amendment tied to it."

The President: "This is the first request for a Committee of Conference on this bill. I think it is a sign of the coming adjournment where statements are being made without any sound reason of fact. I have told the Speaker that I disapprove of this."

Senator English: "I think that it is important that the members of the Committee of Conference from the Senate should be from the southern part of the state inasmuch as the House appointees are not."

On motion of Senator Drake, the Senate voted to accede to the request of the House for a Committee of Conference on the above entitled bill. Pursuant to the above, the President appointed as members of such Committee on the part of the Senate, Senators Drake and Caron.

Senator Lamontagne: "Mr. President, under personal privilege. I am sorry that the Senator from the 2nd District takes this matter so seriously; a matter of legislating and has been done many times. This is the point that I would like to make. I made a recommendation and brought this matter up before Doc Converse who is the one who has had the problem of this deer hunting. I made the first suggestion that we use the Pittsburg borderline, which met with his approval. Another suggestion was that Clarksville should be added to it. I hope the Committee of Conference will take this into consideration and come out with either of these suggestions — from November 1st to November 25th. The rest of the state from December 10th to 25th."

Senator Caron: "Mr. President, due to the fact that I have been put on the Committee of Conference, I would state to the Senator from the 1st District that I am confident that the Senator from the 2nd District will do his very best for his section and I would like to state that I will do the best for my section of the state."

Senator Eaton: "Mr. President, I consider this entire matter assinine and childish. I have never considered that we in the Senate have a mandate from the House no matter by what majority they pass any measure. If we in the Senate accept this thought, then it is time we strove for a unicameral type of government."

Senator Sawyer: "Under personal privilege. For Carroll County and the section of the state from which the line goes — we must have a change. We are being terribly hurt which affects all hunters and a poor deer herd. I would remind the Committee of Conference that the Fish & Game Dept. were neutral to the one season deer bill and opposed to the two deer season as passed by the Senate. I would hope that we would not talk this down. We must get one or the other."

The President: "I feel certain that this will all be considered by the Committee of Conference."

**House Message (continued)**

The Message further stated that the House has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following entitled House Bill, in the adoption of which amendments the House asks the concurrence of the Senate:

HB 50, relative to special fish and game licenses for non resident members of the armed forces of the United States.

Amend section 1 of said bill by striking out the first line and inserting in place thereof the following:

1 Members of the Armed Forces. Amend RSA 214:4 by striking out said section and inserting in place thereof the following: 214:4 Military Personnel. Military personnel and their

On motion of Senator Monahan the Senate voted to concur in the adoption of the amendment.

The Message further stated that the House has passed the following Concurrent Resolution, in the passage of which it asks the concurrence of the Senate:

*Whereas*, the Soviet Union has a prime objective the expansion of its domination of colonial areas, and

*Whereas*, the Soviet Union suppresses human liberty in the captive nations far more ruthlessly than the old-time imperialists; now, therefore be it

*Resolved*, by the House of Representatives with the Senate concurring, That the General Court of the State of New Hampshire exhorts the Government of the United States to continue to use all the resources at its command to halt the further spread of Soviet colonialism, be it further

*Resolved*, That the Secretary of State transmit a copy of this Concurrent Resolution to each of the members of the New Hampshire delegation in Congress and to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States.

On motion of Senator Battles, the Senate voted to concur in the adoption of the above Concurrent Resolution.

### **Read and Referred**

To the Committee on Banks & Insurance:

HB 447, relative to use of funds by credit unions.

HB 249, relative to financing of insurance agents.

To the Committee on Judiciary:

HB 337, relative to the charter of the Orford fire engine company.

HB 442, relative to the licensing of real estate brokers and salesmen.

HB 466, relative to county conventions.

To the Committee on Agriculture:

HB 449, relative to term of office of members of the state soil conservation committee.

To the Committee on Finance:

HB 229, for the acquisition of the Adams property in Durham for development of wildlife management area.

HJR 34, providing for a study into the feasibility of state participation in cost of group insurance for state employees.

### **Introduction, First & Second Reading of Senate Bills and Resolutions**

SB 150, relative to the financing of the Lebanon Regional Airport and the contributions towards financing the same. (Monahan) To Joint Committee of Finance and Ways & Means.

SJR 11, in favor of Mrs. Hattie M. Drake. (Gardner — Rules) To Committee on Claims.

On motion of Senator Gardner, the printing of the above joint resolution was dispensed with.

SJR 12, to pay certain judgments against the state of New Hampshire. (Green) To Committee on Finance.

### **Committee Reports**

Senator Phillips, for the Committee on Judiciary:

SB 140, relative to trespassing on uncultivated land. Ought to pass.

Senator Cleveland: "Mr. President, this is a Senate Bill that adds to the present language in the statutes, uncultivated land. At the present time, cultivated land is the only land covered by statute."

Senator Drake inquired: "Was there any opposition to this bill in your committee hearing from Fish and Game Dept?"

Senator Cleveland: "No. Probably they were busy with other problems."

Senator Drake: "Mr. President, I wish to speak in opposition to this report. I think this has grave implications which should be considered before we pass such a bill. This involves some 35,000-45,000 acres and to post this land, I think hunting and fishing in New Hampshire would come to a standstill. I think the whole bill is wrong. I think that this would do more to harm, in the final analysis, our whole fishing and hunting than any legislation. I hope the Senate will not pass this bill. I would move that the words, inexpedient to legislate, be substituted for the words, ought to pass."

Senator Holmes: "Mr. President, I am the sponsor of this bill and naturally I think this is a good bill or I would not have brought it in. I think any owner has the right to post his land whether cultivated or uncultivated. We know that there are many people who will never post their land. I would even consider introducing a bill that permission must be obtained before any trespassing being done. I am also aware of the Fish & Game lobby. Appearing for this bill were several members of the House of Representatives. The provision on changing the signs is not a new provision in spite of what is said in the Fish & Game letter. That was passed in 1959. There is nothing new in the sign provision of the bill. The only new part is that land that is uncultivated may be posted by the owner. I think that is the owner's right. The Fish & Game does not pay taxes on this land. It is my opinion that an individual has the right to post his land anywhere. It is in accordance with that principle that I introduced this bill and will vote for its passage."

Senator Caron: "Mr. President, I must almost apologize for my statement, but I have been spending a great deal of time upstairs for the past five or six months, so I would like to have this matter be made a Special Order of Business for June



14th, Wednesday of next week, at 11:01, in order that we may look into this bill and find out what it is all about."

Senator Gardner: "Mr. President, I am very much in accord with what Senator Caron has said."

Senator Battles: "Mr. President, I am a little bit amazed that the bill has such ramifications as the Senator from the 2nd District has said. The Fish & Game has not appeared on this bill. I think someone should inquire from the Fish & Game Dept. to find out about this bill. I wonder if we might refer it back to the Committee."

The President: "I would not look with favor on the motion to refer the bill back to the Committee. The Fish & Game had all the notices of the hearing. I hope the motion for Special Order will be adopted."

Senator Cleveland: "Mr. President, I think probably one reason that the Fish & Game Dept. did not appear in opposition to this, and that the Senator from the 2nd District is mistaken in saying this will close large areas, is because of the general policy that has been adopted by the Brown Company and the International Paper Company and other companies in allowing the public to use all their lands for hunting and fishing. About 20 people appeared in favor of the bill. It makes little or no sense that you can successfully post the cleared land, but cannot post the uncultivated land. The logic behind this bill is absolutely overwhelming."

(Discussion ensued)

Senator Eaton moved the previous question. Seconded by Senator Caron.

On a *viva voce* vote, the affirmative prevailed.

Question being on motion of Senator Caron for Special Order.

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

Senator Cheney, for the Committee on Finance:

HB 9, relative to payment of expenses of the 1959 session of the Constitutional Convention. Ought to pass.

Senator Cheney: "Mr. President, I believe this bill is self-explanatory. It provides the funds to pay the cost of the 1959 session of the Constitutional Convention. The bill originally called for an appropriation of \$13,000.00 but was amended in The House to require \$15,000.00. The additional \$2,000.00 is a legitimate charge and will pay for printing and miscellaneous expenses, the remainder is for members per diem and travel."

The bill was ordered to a third reading.

Senator Cheney, for the Committee on Finance:

HB 19, providing funds for the perambulation of the Maine-New Hampshire boundary line. Ought to pass.

Senator Cheney: "Mr. President, this is a routine bill which comes before us every third session. The perambulation of the Maine-New Hampshire border is a cooperative effort and takes place once every seven years. The State of Maine appropriates a like sum for clearing the boundary."

The Finance Committee recommends the passage of this bill.

The bill was ordered to a third reading.

Senator Cheney, for the Committee on Finance:

HB 81, extending the provisions of law relative to an accelerated highway and construction and improvement program. Ought to pass.

Senator Cheney: "Mr President, a bill passed in 1959 set up an accelerated highway program. That act carried a provision that twenty-five million of the total of thirty-one million could be put into operation only if Federal funds became available. As you know the Federal highway program was bogged down temporarily and the State was unable to put the program into operation. This bill merely provides for the extension of the authorization. It is the belief of the Finance Committee that this authorization should be given and we urge passage of this bill."

The bill was ordered to a third reading.

Senator Cheney, for the Committee on Finance:

HJR 17, in favor of Rita Collyer. Ought to pass.

Senator Cheney: "Mr. President, this resolution calls for an appropriation of \$1,104.60, payable to Representative Rita Collyer for reimbursement for mileage lost because of her unfortunate accident. I am sure we all appreciate Miss Collyer's conscientious spirit in regular attendance upon her legislative duties when her health will permit. The Committee recommends the passage of this resolution."

Senator Battles inquired: "Was there anything said about the amount of money paid two years ago?"

Senator Cheney: "Yes, it was brought up. That bill was for medical and hospital bills. This is for mileage and days lost."

Senator Caron: "I think for the benefit of the Senators, Mrs. Collyer's room was paid last year and also the bills for the doctor and the hospital. This is the mileage. The accident happened in the House when the door swung and hit her."

Senator Battles: "Was there anything in the resolution two years ago, the same as goes in many resolutions, in final settlement?"

Senator Caron: "That was House business and I know nothing of what goes on in the house."

At the request of the President, the Clerk read the joint resolution.

Senator Gardner: "Mr. President, I would like to say that Mrs. Collyer had been very ill at the hospital in Hanover. She had had a very serious cancer operation and then had a kidney removed. She was just getting over that when she had this accident. She is justly due this amount. I think it is no more than right that she should have her mileage and I think the Governor will feel the same way."

Senator Daniel: "Mr. President, I agree wholeheartedly with Senators Caron and Gardner. She was hurt in the House and I think she is entitled to this. I hope the Senate will concur and pass this resolution."

Senator Holmes: "Mr. President, the Senator from the 23rd District and I were both members of the Claims Committee last session. Those expenses had to do with the accident. This bill has to do with the mileage. Nothing was said about mileage

payment before. The previous bill covered doctor and hospital and room, and did not concern mileage."

Senator Battles: "Mr. President, I think we are starting something here that is extremely dangerous as far as precedent is concerned. I don't think there is anything constitutional about it, to start with. I don't see any reason if we are going to pay her mileage when she was not here and was sick — I think we should pay the Senator from the 24th District his mileage when he was sick and not here."

Senator Gardner: "I would like to state that there is a great deal of difference between these two cases. In view of the fact that the House had a window put in the door the next day after this accident would prove that the House was at fault. There is a great deal of difference between these two cases."

(Discussion ensued)

Senator McMeekin: "Mr. President, I think this is an entirely different matter than a person being out sick. There was a definite responsibility to the State in this case. If this had been in private industry, they could have been sued and she could have collected. The State has a definite responsibility here. I certainly hope that this resolution passes. The woman is entitled to it. The State owes it to her."

Senator Caron moved the previous question. Seconded by Senator Daniel.

On a *viva voce* vote, the affirmative prevailed.

Question being: Shall the joint resolution be ordered to a third reading.

On a *viva voce* vote, the affirmative prevailed.

Senator Buckley, for the Committee on Public Works:

SB 24, reclassifying certain highways in Rollinsford. Ought to pass.

Senator Dunnington: "Mr. President, this bill involves the reclassification of two very short pieces of road in Salmon Falls. At the hearing, a member of the Highway Dept. had a detailed list of the amount of money that it would cost the small town of Rollinsford to do this work. Our Committee held up any action on this bill until these cost figures had been reported to

our town fathers in the town. They have approved this in writing, so we report this bill as ought to pass."

The bill was ordered to a third reading.

On motion of Senator Daniel, the rules of the Senate were so far suspended as to permit the introduction of a Committee Report not previously advertised in the Journal.

### Committee Report

Senator Dunlap, for the Committee on Banks & Insurance:

SB 134, relating to La Caisse Populaire Ste. Marie or St. Mary's Bank. Ought to pass.

Senator Daniel: "Mr. President, this has to do with a bank in my district. This is to bring the charter up-to-date. I will ask Senator Dunlap to make the presentation and explanation of the bill."

Senator Dunlap: "Mr. President, this bank is pretty much of a private affair. We have passed similar legislation for other banks, Keene, etc. I would support the bill. It involves some other technical improvements in the charter. Senator Daniel would like to get the bill into the House as soon as possible."

The bill was ordered to a third reading.

### Committee of Conference Report

The Committee of Conference to whom was referred House Bill No. 291, An act in relation to discharging firearms, having considered the same, report the same with the following recommendation:

That the House recede from its position of non-concurrence and adopt the amendments sent down by the Honorable Senate.

Laurier Lamontagne

Robert English

Conferences on the part of the Senate

Ralph W. Totman

William P. Gove

Paul L. Normandin

Conferees on the part of the House

On motion of Senator English, the Senate voted to adopt the report of the Committee of Conference.

Senator Humphreys offered the following Resolution and spoke in support of same:

*Whereas*, In the passing of Alvin F. Redden, the New Hampshire Seacoast Regional Development Association has suffered the loss of a devoted official, and

*Whereas*, Mr. Redden served as Executive Secretary for twenty-five years and gave of his energy and ability unselfishly during this period, and

*Whereas*, His character, his integrity and devotion to his work accomplished much for the benefit of the Seacoast Region and for the State of New Hampshire. Now Therefore Be It:

*Resolved*, That we, the members of the Honorable Senate pay tribute to the faithful service of Mr. Redden and express our sympathy to his family in its bereavement, and be it further

*Resolved*, That the Clerk be instructed to transmit copies of these Resolutions to the members of Mr. Redden's family.

On a *viva voce* vote, the above Resolution was unanimously adopted.

Senator Phillips offered the following Resolution which was adopted by a vote of applause.

Note of Appreciation  
to our Host,  
"Nate" Tirrell

Thank you, Nate,  
It surely was great;  
But don't ask anyone  
How much he ate.

I didn't know  
What a clam could to  
'Till I opened the shell  
And then I knew . . . .

The lobsters . . . yummm  
Were delicious too;  
We're glad to have come  
To share all with you.

Accept the thanks  
Of all of us  
‘Twas a perfect night  
From you to us.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House Bill:

HB 124, to establish a department of Safety.

Robert S. Monahan  
For the Committee

### Taken From the Table

On motion of Senator McMeekin, the following Concurrent Resolution was taken from the table:

*Whereas*, The Profile in Franconia Notch, well-known to all New Hampshiremen as The Old Man of the Mountains, is a beloved and famous feature of our state, and

*Whereas*, the natural forces which created this Profile are forever working to effect its destruction, and

*Whereas*, the late Reverend Guy Roberts, because of the personal interest, climbed to the forehead in 1906, did recognize this danger to The Profile and was responsible for alerting the State of New Hampshire as to its precarious state; and did influence the late Edward H. Geddes to assume the risk of effecting repairs, and

*Whereas*, the late Edward H. Geddes, through his investigations with the Reverend Roberts, did, by native ingenuity, devise methods to preserve its stability; and, by great physical endurance, carried on his back, despite his fifty years, the necessary tools and devices over miles of rough mountain terrain to the remote precipitous site; and, with courage and skill, made installations at the risks of life and limb in the face of high altitude mountain conditions, and

*Whereas*, the engineering soundness and effectiveness of the devices which he installed on Profile Mountain in 1916 are today acknowledged by eminent geological engineers, who



have ascertained that the ledges so secured have not moved appreciably.

*Therefore, Be It Resolved*, that the General Court of New Hampshire does gratefully acknowledge, on behalf of the residents of this State and the untold millions who have been attracted to this natural phenomena, a debt of gratitude to Edward H. Geddes and the Reverend Guy Roberts, and approves arrangements to have this acknowledgment made known by a suitable plaque to be installed in an appropriate place in Franconia Notch, and

*Be It Further Resolved* that a committee, consisting of a member of the House of Representatives appointed by the Speaker, a member of the Honorable Senate appointed by the President, and a member of the Public at Large, be appointed by the Governor and instructed to make recommendations to the General Court at its 1961 session for a suitable plaque and the installation thereof, together with a request for such funds as may be deemed necessary to accomplish this.

At the request of Senator McMeekin, the President declared a three minute Recess, in order to prepare an amendment to the above Concurrent Resolution.

(Recess)

The Senate reassembled.

Senator McMeekin offered the following amendment:

Amend said resolution by striking out paragraph seven thereof and inserting in place the following:

*Be It Further Resolved* that a committee, consisting of a member of the House of Representatives appointed by the Speaker, a member of the Honorable Senate appointed by the President, and a member of the Public at Large, appointed by the Governor be instructed to make recommendations to the Director of the Division of Recreation for a suitable plaque and the installation thereof.

Senator McMeekin: "Mr. President, the Resolution originally put in to report back to the 1961 session of the Legislature which could not be done. Rather than putting it over until 1963 session, the amendment will be the Recreation Dept. to go ahead and put up this plaque."

On a *viva voce* vote, the amendment was adopted, and the Concurrent Resolution as amended was adopted.

### Announcement

The President recognized Senator English:

Mr. President:

I believe the members of the Senate would be interested in knowing that this year Sargent Camp is celebrating its 50th year of continuous operation. This camp, which is now operated by Boston University, has had over the years literally thousands of campers and others using its facilities. It has meant a great deal to the State of New Hampshire and the Monadnock Region by bringing into the State students from all parts of the country primarily interested in physical education and outdoor activities. These people become enthusiastic boosters of the State and the favorable ramification of their activities cannot be calculated.

The camp operates throughout the year. It has a regular program of including students from New Hampshire schools, and makes its facilities freely available. It is one of the fine institutions contributing importantly to the welfare of our State.

Senator English: "Mr. President, I wonder if Senator Caron would be willing to reconsider the vote to make Special Order for consideration of SB 140, relative to trespassing on uncultivated land, and the Committee Report, ought to pass. By making this a Special Order for next week Wednesday will practically kill it. The House will go over this very carefully and find any bugs that are in it. By putting it over for one week, it may be lost in the shuffle."

Senator Caron: "I will withdraw my motion for Special Order for next week Wednesday and make it for Special Order for tomorrow morning at 11:01."

Senator Holmes: "Mr. President, I appreciate this very much. If the bill is killed in the Senate, they will have had time to look into it. If it is not killed in the Senate, no harm will be done."

On a *viva voce* vote, the motion for Special Order for tomorrow carried.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time.

### Afternoon Session

#### Third Reading and Final Passage of Bills and Resolution

SB 24, reclassifying certain highways in Rollinsford.

SB 134, relating to La Caisse Populaire Ste. Marie or St. Mary's Bank.

HB 9, relative to payment of expenses of the 1959 session of the Constitutional Convention.

HB 19, providing funds for the perambulation of the Maine-New Hampshire boundary line.

HB 81, extending the provisions of law relative to accelerated highway and construction and improvement program.

HJR 17, in favor of Rita Collyer.

On motion of Senator Paquette, the Senate adjourned at 12:25 o'clock.

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THURSDAY, JUNE 8, 1961

The Senate met according to adjournment.

### Guests

As the guest of Senator Dunnington, Mrs. Malcolm Chase of Durham.

As the guest of Senator Holmes, Mr. Louis Arnold of Nashua.

As the guests of Senator Paquette, Caron, Provost and Daniel, the Democratic ladies from the city of Nashua.

President: Mrs. Germaine Bourdon; Chairman: Mrs. Rita Dion; Mrs. Stephanie Urban, Mrs. Dora Latour, Hillsboro, County Chairman; Mrs. Josephine Paine, Mrs. Eva Grand-

maison, Mrs. Joan Sweeney, Mrs. Lucille Lesage, Mrs. Helen Stockley, Mrs. Helena Labrie, Miss Yvette Duval.

Senator Paquette stated that the young ladies were all relatives of his.

Senator Caron stated that she wished to compliment the front office and the very charming wife of the Governor who entertained the Democratic ladies from Hillsboro County. Stated that she would also like to say that she had been here since 1939 and that she believed that this was the first time that the Democratic ladies of New Hampshire had been invited to go into the Council Chamber to be entertained.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills and joint resolution in the passage of which it asks the concurrence of the Honorable Senate:

HB 324, relative to registration and licensing of guides.

HB 464, relative to licenses for taking clams and oysters.

HB 432, legalizing the annual town meeting held in the town of Exeter, March 14, 1961.

HB 347, requiring voting of county budgets annually.

HJR 41, providing funds for the purchase of certain equipment for the office of the secretary of state.

The Message further stated that the House has voted to concur with the Senate in the passage of the following entitled bill, sent down from the Senate:

SB 101, prohibiting use of certain boats on Abbott Forest pond in Stoddard.

The Message further stated that the House has voted to concur with the Senate in its amendments to the following entitled bill:

HB 366, relative to motor vehicle sales finance.

The Message further stated that the House has voted to concur with the Honorable Senate in its adoption of the amend-

ments offered by the Committee on Engrossed Bills to the following entitled bill and captioned joint resolution:

HB 436, authorizing cities and towns to construct moving sidewalks.

HJR 13, authorizing a study of the operation of the Milk Control act.

The Message further stated that the House has voted to adopt the report of the Committee of Conference on the following entitled bill:

HB 291, in relation to the discharge of firearms.

The Message further stated that the House has passed the following Concurrent Resolution, in the passage of which it asks the concurrence of the Senate:

### **Concurrent Resolution**

on the passing of

**MRS. DOROTHY CROWLEY BUBZIANOWSKI**

*Whereas*, Mrs. Dorothy Crowley Bubzianowski, daughter of Roger J. Crowley, Sr., Representative from Manchester, has passed away, and

*Whereas*, Mrs. Bubzianowski, as a Navy nurse in World War II, held the rank of Lieutenant, senior grade, and saw extensive service in the southwest Pacific theater of operations, and was a former supervisor of nurses at the New Hampshire Memorial Hospital in Concord, therefore be it

*Resolved*, by the House of Representatives, the Senate concurring, that we, the Members of the New Hampshire General Court, express our deep sympathy to Representative Crowley and to the other members of Mrs. Bubzianowski's family in their bereavement, and be it further

*Resolved*, that a copy of this Concurrent Resolution be transmitted to Representative Crowley.

On motion of Senator Provost, the Senate voted to concur in the adoption of the Concurrent Resolution above.

### **Read and Referred**

To the Committee on Fisheries & Game:

HB 324, relative to registration and licensing of guides.

HB 464, relative to licenses for taking clams and oysters.

To the Special Committee, consisting of Senators Battles, Humphreys & Buckley:

HB 432, legalizing the annual town meeting held in the town of Exeter, March 14, 1961.

To the Committee on Judiciary:

HB 347, requiring voting of county budgets annually.

The following captioned joint resolution was read a first and second time:

HJR 41, providing funds for the purchase of certain equipment for the office of the secretary of state.

On motion of Senator Battles, the rules of the Senate were so far suspended as to dispense with referral to Committee of the above joint resolution, and the Senator requested the Clerk to read the joint resolution which was done.

Senator Battles: "Mr. President, this resolution provides another typewriter, an Engrossed Bills typewriter, for the secretary of state's office. They have two now and they need another in order to expedite the typing of bills. The other item covered, is for a new dating machine for use in the office. The one that they have had is completely broken and needs replacing."

On motion of Senator Battles, the rules of the Senate were so far suspended as place the above joint resolution on its third and final passage at the present time.

### **Third Reading and Final Passage of Joint Resolution**

HJR 41, providing funds for the purchase of certain equipment for the office of the secretary of state.

### **Introduction, First & Second Reading of Senate Bill**

SB 151, legalizing the annual meeting of the town of Newbury. (Cleveland) To the Committee on Judiciary.

On motion of Senator Humphreys, the rules of the Senate were so far suspended as to dispense with the printing of the above entitled bill.

### Committee Reports

Senator Cheney, for the Committee on Finance:

HB 345, providing for control of aquatic nuisances on Lake Winnisquam. Ought to pass.

Senator Dunnington: "Mr. President, people who own property on Lake Winnisquam have been faced with a very serious algae problem for about 20 years. This problem has become worse and worse until at the present time, it would eliminate all bathing and even fishing in one of the most scenic spots in New Hampshire. In 1959, the Legislative appropriated a small sum of money in order to find out what could be used as a remedy up there. The Board of Water Pollution has now come up with a remedy and it will cost about \$25,000 to do it. In Committee, it was felt that this condition has gone so far that we cannot wait any longer."

Senator Gardner: "Mr. President, I feel that this is quite necessary. The study is not quite completed and this will enable them to complete the survey. Also other areas beside Lake Winnisquam. There has been some question about this not being good for fish and game. However, this is only for a two year period. This will be done close to the shore and would not do any harm to the Lake. Will not succeed itself each session."

Senator Caron: "Mr. President, I agree with Senators Dunnington and Gardner. The people who own homes on the lake appeared before our committee and gave information. No one appeared against the bill."

Senator Monahan spoke in support of the bill.

The bill was ordered to a third reading.

Senator Cheney, for the Joint Committee on Finance and Public Health, Welfare & State Institutions:

SB 119, relative to medical assistance for the aged. Ought to pass.

Senator Humphreys: "Mr. President, explanation of SB 119, An Act relative to medical assistance for the aged.

"This bill is an administrative measure to provide medical assistance to those persons over 65 who are self-sustaining but do not have such latitude between income and expenses as to



provide necessary medical care. It is enabling legislation to take advantage of federal grants-in-aid.

Section 1 preserves the rights of settlement to persons receiving such aid.

Section 2, lines 18 to 22, designates the recipients of such aid.

Section 3, lines 28 through 35, the crux of the bill, defines the eligibility of the recipients. No person can receive two forms of assistance simultaneously. A 'needs test' will be necessary to determine those eligible.

Section 4 excludes payment of funeral expenses for recipients of medical assistance to the aged.

Section 5 enumerates the categories of the public assistance fund.

Section 6 prohibits the filing of liens against the property of a recipient 'solely upon the basis of receipt of said aid prior to the death of such recipient . . .'

Section 7 — The appropriation contained in the bill is the figure recommended by the Governor. Line 96 provides that unexpended funds shall not lapse but may be carried over and expended for the same purposes in the following fiscal year.

"The federal government will match state expenditures between 50 and 80%, depending upon the per capita income of the state as it relates to the national average. Poorer states will get as much as 80% — New Hampshire would get 58.1%.

"Although liens cannot be made against the property of a recipient, there is a provision for possible recovery from a surviving heir upon the death of the recipient.

"A survey indicates that hospitals now write off approximately 8% because of the inability to pay of those persons over 65 years of age.

"Other states which have adopted similar legislation are Massachusetts, West Virginia and Oklahoma and their programs are now functioning. The State of Michigan is ready to go into operation.

"At the hearing held before the Joint Committees on Finance and Public Health and Welfare no one appeared in opposition, and it was the majority vote of the committee that this bill be reported in as Ought to Pass."

Senator Gardner: "Mr. President, I would like to say that this bill is one of the most important pieces of legislation to come before this body. SB 119 is an administration measure and enabling legislation permitting the State of New Hampshire to cooperate with the federal government in administering a new program of assistance under the Social Security Act. This bill will provide for the medical requirements of those persons over sixty-five who are self-sustaining but do not have sufficient latitude between their income and expenses to provide for necessary medical care. You are all aware that there were many bills introduced into the last session of Congress to recognize this problem of older people and it was the Mills-Kerr bill that was finally adopted to permit federal participation to the states in the grant-in-aid programs. Our Governor has been cognizant of this acute problem both in his deliberations with the State Council on Problems of the Aging as well as his campaign for office and would have recommended formal action to the General Court to provide a specific appropriation for medical care for the elderly even if Congress had taken no positive action. There are 67,705 persons in New Hampshire over 65 and only 32,233 of that number who have any provision for medical care including private insurance plans. This leaves a potential of 35,472. Of this number, 60% have incomes of less than \$1200 or some 21,000 plus individuals. This program is an attempt on the part of the administration to meet the medical requirements of this group of New Hampshire residents. In the testimony before our Committee, it was pointed out that a hospital survey indicated 8% of those persons over 65 had inability to meet their hospital obligations and many more had to depend on cities, counties and towns in order to secure help with these requirements. This bill will provide hospitalization and non-institutional services currently recognized in the field of medicine today for those individuals who are self-sustaining but medically indigent. It is a real pleasure for me as a member of the 1961 session of the Legislature to co-sponsor and support this important legislation for the less fortunate residents of our State."

Senator Caron: "Mr. President, I would like to state that this type of legislation was promised in both the Republican and Democratic platforms. This is a good measure. It reflects a long-standing policy of this State to be a leader in programs for the aging. It is the state enabling legislation which enables New Hampshire to take advantage of the Federal *Kerr-Mills Bill* enacted some years ago by the Congress.

"By the terms of this bill medical care would be provided — to a certain extent — to those of our aged who are self-sustaining but are medically indigent. As our people know, percentage-wise our population in New Hampshire is coming to include an ever increasing number of elderly people. As they also live longer due to medical science, they nevertheless cannot avoid the *inevitable* and *inescapable* process of human *decomposition* which involves serious medical problems for them.

"I sincerely hope that the Senate will pass this bill which gives a deserved assistance to those of our people over 65 who need it."

Senator Holmes: "Mr. President, I am very much in favor of this legislation and will support it. I would like to ask a question about the means test. What does this require?"

Senator Humphreys: "It was my understanding from the testimony given by Mr. Barry — the means test, whatever it might give, would have to conform with the federal regulations on it. The state regulations would be made by the department of welfare."

Senator Lamontagne and Senator Daniel spoke in support of the bill.

(Discussion ensued)

The bill was ordered to a third reading.

Senator Cheney, for the Committee on Finance:

HJR 30, providing special equipment to be used in searching for lost persons. Ought to pass.

Senator Buckley: "Mr. President, this is a type of horn similar to the one that they have in Berlin. This will be put on a truck and can be used anywhere in the state and will be used by the Fish & Game Dept."

Senator Lamontagne offered the following amendment and spoke in support of same:

Amend said joint resolution by inserting after the word "work" in line 6 thereof the following, and shall be known as Little Bella a New Friend of the Lost Hunter, so that said resolution as amended shall read as follows:

That the sum of three thousand dollars is hereby appropriated to be expended by the department of public works and highways for the purchase of special equipment for use in searching for lost persons in the state. Said equipment shall consist of a horn together with a device such as a truck mounted air compressor type such as used on construction work and shall be known as Little Bella, a New Friend of the Lost Hunter. Said special equipment shall be available for use upon request of the Fish & Game Department. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

(Discussion ensued)

Senator Lamontagne withdrew his amendment.

Senator Dunlap moved the previous question. Seconded by Senator Monahan.

On a *viva voce* vote, the affirmative prevailed.

On a *viva voce* vote, the joint resolution was ordered to a third reading.

Senator Phillips, for the Committee on Labor:

HB 411, relative to appointment of ballot inspectors in the city of Claremont. Ought to pass.

Senator Phillips: "Mr. President, this bill is a bill that has to do just with the city of Claremont. Previous to legislation enacted at the last session, the city of Claremont which is divided into three wards had their ballot inspectors and clerks elected by the supervisors in each ward, who in the city charter are to act as the selectmen for each ward. With the legislation passed two years ago, requiring that Parties hold a caucus, it necessitated 6 check lists being printed, 6 different postings of the check lists, 6 legal postings in the daily paper, besides finding the facilities for posting these places. In our city, each elec-

tion the ballot inspectors are present, they are paid. It involves the whole machine of our election groups going into operation. The heads of the two Parties, Democratic and Republican, conferred on this and they decided that they would prefer to have their caucus as was held prior to the legislation passed two years ago. This is the reason for the bill and it pertains only to Claremont."

Senator Humphreys: "Were you not considering an amendment to the bill that would make all rules apply to all towns in the state? Why was that amendment dropped?"

Senator Phillips replied in the affirmative. "We did contemplate an amendment but in the Committee we decided to leave the bill as it was. If you wish to offer an amendment, I have no objection."

Senator Humphreys offered the following amendment and spoke in support thereof:

Amend the title of said bill by striking out the following, "in the city of Claremont" so that said title as amended shall read as follows: An Act relative to appointment of ballot inspectors.

Further amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

I Ballot Inspectors. Amend RSA 59:30 by striking out in lines one and two thereof the following, "After holding a caucus as provided by RSA 56:73 or RSA 56:87," so that said section as amended shall read as follows:

59:30 Appointment. Each town and ward political committee of the two political parties which cast the largest number of votes for governor in the state at the last previous biennial election are authorized between October 1 and October 10 of each biennial election year to appoint as additional election officers to act with the clerk, moderator and selectmen at each polling place, two inspectors of election. Provided that if the number of voters qualified to vote at a polling place shall exceed two thousand, said political committees may each appoint for such polling place one additional inspector for each fifteen hundred qualified voters, or fraction thereof in excess of two thousand. The chairmen of said political committees shall, on or before October 12, notify said appointees and the town or ward

clerk and city clerk concerned as to appointments made under the foregoing authority. Provided that if any such appointments are not made by said political committees and proper notification thereof given on or before October 12, in a particular town or ward, then the appointments shall be made by the selectmen of the town or ward concerned.

(Discussion ensued)

Senator McMeekin: "Mr. President, this started out to be a very simple thing, pertaining only to Claremont. I move that further consideration of the matter be made a Special Order of Business for next Tuesday morning at 11:01. I need a little time to consider this."

On a *viva voce* vote, the motion for Special Order carried.

Senator Phillips, for the Committee on Labor:

HB 417, relative to reclassification of roads in Colebrook and Stewartstown, and the East Side River Road in the town of Milan. Ought to pass.

Senator Phillips: "Mr. President, this bill has to do with a section in our northern part of our state, the estate going to the state of New Hampshire for recreational purposes. At our Committee hearing, there were about seven people in favor of this bill. This has to do with the reclassification of a road from class II to class IV, which would entail the Public Works Dept. of the state maintaining same."

Senator Drake: "Mr. President, I might state that this bill was amended in the House to include a section near Milan, a road for summer use only. The deputy director of the Public Works Dept. did not oppose the bill."

Senator Monahan: "Mr. President, I was the unsuccessful sponsor of a similar bill in the previous session. I support the measure and appreciate the work of the committee."

Senator Lamontagne spoke in support of the bill.

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Labor:

HB 407, relative to the workmen's compensation law. Ought to pass.

Senator Phillips: "Mr. President, I have had placed on the desk of every Senator this outline which I think is very comprehensive of what these amendments do to this bill. The amendments were printed in the House Journal of May 25th. At our Committee hearing, there were some 10 people in attendance for testimony."

### **HB 407 Workmen's Compensation**

HB 407 is an agreed bill in the sense that it is agreed by the traditionally established parties to such legislation. Representatives of management, labor and insurance carriers appeared at the hearing and unanimously endorsed the bill as ought to pass.

Briefly, the bill provides for improvements in certain benefits and clarifies certain questions of intent which have arisen through application of the present law.

Specifically, the changes are as follows:

Paragraph 1 Clarifies the original intent of the law to provide, that for the purposes of employer liability, the employer and the employer's insurance carrier are one and the same.

Paragraph 2 Simply makes reference to a change in paragraph 13 which provides for the payment of compensation to run from the date of disability instead of the date of injury, which in effect, broadens the opportunity for the employee to collect compensation for silicosis and other pulmonary dust disease cases.

Paragraphs 3 & 4 Corrects a technical oversight in the 1959 Statute by changing the word "five" to three. In 1959, required coverage for Workmen's Compensation insurance was reduced from five to three. This section was not corrected at that time.

Paragraph 5 Corrects language to be consistent with the clarification outlined in Paragraph 1 on employer and the employer's insurance carrier being one and the same.

Paragraph 6 Adds supervisory unions to those municipalities eligible to accept coverage of the Workmen's Compensation Law. This is not compulsory.



Paragraph 7 Again, this is a correction of a technical oversight when the coverage requirement was reduced from five to three.

Paragraph 8 Again clarifies that the employer and the employer's insurance carrier are one and the same.

Paragraph 9 Provides the Labor Commissioner with the right to grant an extension of medical benefits retroactively.

Paragraphs 10, 11, 12, 13 Are all changed to increase the maximum weekly benefits from \$40.00 to \$42.00 and to increase the total compensation, other than medical benefits from \$13,640.00 to \$14,322.00. Medical benefits are unchanged since they are unlimited during the 341 week period of the law.

Paragraph 13 The only other change in this paragraph has been outlined in Paragraph 2.

Paragraph 14 Provides the opportunity for extension of medical, hospital and other remedial care benefits beyond 341 weeks in unusual cases. Certain types of injuries, mostly where nervous system impairment is involved, are considered to be illustrative of the need for medical benefits of long duration. Safeguards for the employer and employee are also provided in the form of extensions for one year periods or less upon medical evidence acceptable to the Labor Commissioner, the employer and the employee.

Paragraphs 15 & 17 Reduces the time period from 60 to 30 days for appealing the Labor Commissioner's decisions.

Paragraph 16 Clarifies the original intent that this section does not apply to medical benefits and further assumes that no question can exist concerning the time and method of appeal for modification of awards for compensation.

Paragraph 18 Continues the suspension of payments to the second injury fund for the next 2 years. Payments have been suspended during the past 2 years.

The bill was ordered to a third reading.

Senator Dunlap, for the Committee on Banks & Insurance:

HB 133, relative to certain deposit accounts in savings banks. Ought to pass with amendment.

Amend the bill by inserting after the section numbered 386:47 as inserted by section 1 of the bill the following.

### **Bonus Account Deposits**

386:48 Authorization. Without limiting the authority and powers contained in the general laws or their respective charters and the by-laws enacted pursuant thereto, savings banks may, if their trustees so determine, accept and receive deposits to be known as bonus account deposits, subject to the provisions of this subdivision.

386:49 Bonus Account Agreements. Any such deposits shall be received subject to a written agreement between the corporation and the depositor or the joint depositors, which agreement shall contain the following provisions:

I. The corporation, in addition to its ordinary and any extra dividends, as authorized in section 10 of this chapter, shall, subject to the provisions of said section 10, pay on such deposit a bonus dividend at such time and rate as is hereinafter provided, on condition that the depositor or joint depositors shall on or before a designated day in each month for a period of at least forty-eight months deposit with the corporation a specified monthly amount, not less than ten dollars, without a delay of more than thirty days or anticipation of more than three months in the deposit of any monthly amount, without the withdrawal of the whole or any part of such deposits or any ordinary or extra dividends declared thereon and without the taking of any loan from such corporation secured by such deposits under RSA 387:5.

II. If the depositor or joint depositors shall make ninety-six monthly deposits in accordance with the conditions of such agreement such bonus dividend shall be at a specified rate not exceeding one per cent per annum and shall be paid either on the designated day in the ninety-sixth month or on the day upon which the ninety-sixth monthly deposit is made, whichever is later.

III. If the depositor or joint depositors, after having made at least forty-eight but before having made ninety-six monthly deposits in accordance with the conditions of such agreement, shall withdraw all or any part of such deposits or any ordinary or extra dividends declared thereon, or shall

fail on or before the expiration of the thirtieth day following the designated day in any month to deposit with the corporation the monthly amount specified therein, or shall receive from such corporation a loan secured by such deposits under RSA 387:5, such dividend shall be at a specified rate not exceeding one-half per cent per annum and shall be paid on the day of such withdrawal, such failure to deposit, or the receipt of such loan.

IV. Upon the payment of a bonus dividend or upon the failure by the depositor or joint depositors to comply in any respect with the conditions of such agreement prior to making at least forty-eight monthly deposits, such deposits or the remainder thereof shall thereupon cease to be entitled to earn or be paid any bonus dividend and, within thirty days thereafter, shall be transferred by such corporation to and held by such corporation until withdrawn in, a deposit account which shall not be subject to any bonus account agreement, shall not earn or be paid any bonus dividend, and, for the purpose of determining eligibility for any ordinary and extra dividends which may thereafter be declared, shall be treated as having been on deposit in an account not subject to any bonus account agreement since the date or dates on which such deposits were made.

386:50 Deposit Books. Each deposit book or other evidence of deposit received under this subdivision shall contain, either in original text or by stamp inserted, the title "Bonus Account" and shall also plainly set forth the sentence: "No bonus dividend shall be earned if the depositor fails to make at least forty-eight monthly deposits in compliance with the conditions of the bonus account agreement."

Further amend said bill by striking out section numbered 386:50 as inserted by section 1 of the bill and inserting in place thereof the following.

386:50 Rate and Computation. Additional dividends on special notice account deposits shall be at such rate, not less than one-eighth nor more than one-half of one per cent per annum, as the trustees shall determine. Bonus dividends on bonus account deposits shall be at the rate specified in the applicable bonus account agreement. If not withdrawn, additional dividends on special notice account deposits shall be

treated as deposits added to the account upon which declared and, in computing the dividend next following, shall be considered as having been on deposit for the preceding dividend period. If not withdrawn, bonus dividends on bonus account deposits shall be treated as deposits added to the account upon which paid and, in computing the dividend next following, shall be considered as having been on deposit since the date upon which such bonus dividends became due.

Further amend section 1 of the bill by renumbering sections 386:48, 386:49 and 386:50 to read 386:51, 386:52 and 386:53 respectively.

On motion of Senator Cleveland, the reading of the amendment was dispensed with.

Senator Cleveland: "Mr. President, the amendment although long, is quite simple. It simply reinstates one section that the House took out. We put this section back in because we thought it was important to encourage thrift by allowing banks to have these bonus accounts. This may be something that is a little old-fashioned and out-of-date, but certainly thrift should be encouraged."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Holmes, for the Committee on Education:

SB 91, to amend the teachers retirement system. Ought to pass.

Senator Holmes: "Mr. President, this bill would mean that if a member elected an option and died before the option became effective the optional benefit shall become effective as of the date of death. It removes the thirty day waiting period in cases where a member dies, because this is felt to work a hardship in several instances. This provision is not in the state employees' retirement system but has been in the teachers' retirement system."

On a *viva voce* vote, the bill was ordered to a third reading.

Senator Holmes, for the Committee on Education:

SB 136, making a legislative finding of fact relating to Communism; requiring the teaching of a course of study in the

public schools entitled "Americanism versus Communism"; requiring the department of Education of the state of New Hampshire to provide text materials and establish standards for the selection of such materials; and repealing all laws or parts of laws in conflict herewith. Ought to pass with amendment.

Amend the bill by striking out all after the enacting clause and substituting therefor the following:

1 Amend RSA 189:10 by inserting after the word "Independence" the following words, and in Communism and other political philosophies considered by the school board to be subversive to the principles of the Constitution of the United States. Such instruction shall include emphasis on the values of American representative government and on the dangers and fallacies of Communism, so that said section as amended shall read as follows:

189:10 Studies. The school board shall see that the studies prescribed by the state board are thoroughly taught, especially physiology and hygiene in so far as it relates to the effect of alcohol and narcotics on the human system. In all public and private schools in the state there shall be given regular courses of instruction in the constitutions of the United States and of this state and also in the Declaration of Independence (and in Communism and other political philosophies considered by the school board to be subversive to the principles of the Constitution of the United States.) Such instruction shall include emphasis on the values of American representative government and on the dangers and fallacies of Communism. Any member of the school board or teacher who neglects or refuses to comply with the provisions of this section shall be fined two hundred dollars.

2 Takes Effect. This act shall take effect sixty days after its passage.

On motion of Senator Holmes, the reading of the amendment was dispensed with, and she explained:

"Mr. President, SB 136 was introduced by the Senator from the 1st District and its purpose is to provide instruction in "Americanism versus Communism". The bill as introduced provided for a course of this title to be required. It also estab-

lished standards for materials to be used in the course and made other specific requirements concerning the course.

“At a well-attended hearing, the general consensus of opinion was that instruction in the problems which Communism creates for our American way of life is necessary, but legislative requirements for details concerning curriculum were neither advisable nor in accordance with our tradition.

“Therefore, the Committee unanimously recommends the amendment which is printed in today’s Journal. This amendment adds to a list of required studies, for both public and private schools, instruction in Communism and other political philosophies considered by the school board to be subversive to the principles of the Constitution of the United States. Such instruction shall include emphasis on the values of American representative government and on the dangers and fallacies of Communism.

“The Committee feels that this will set a legislative policy to guide school boards and will enable teachers to give our young people proper understanding in this very vital field. Personally, I have often thought of offering a bill to require more detailed instruction in our own government because I think the best defense is a good offense and I believe it is the job of everyone, not only school teachers, to teach our young people the value of our type of government. However, I do not feel that it is the place of the Legislature to prescribe details of curriculum.

“The Committee hopes that this solution, which is offered by unanimous vote, will find approval by the Senate.”

Senator Lamontagne: “I have no objection. I rise in support of the amendment of the committee. I was only hoping that it would be stronger than what the amendment does, but at this late hour and knowing that the House has still to take action, it is acceptable, and I certainly appreciate what the Committee has done.”

(Discussion ensued)

Senator Battles offered the following amendment to the amendment:

Insert after the words “school board” the words, or teacher, in section 189:10.

Senator Battles: "The intent of the amendment is that in schools not completely covered by school boards, private schools which are not covered by school boards, this would then apply to the teacher himself or herself. I do object to a teacher not using the material that the school board says he must use."

Senator Monahan: "Mr. President, I shall have to oppose this amendment. If the teacher refuses to teach Communism, he or she would be disregarding the instructions of the local School Board that would follow from the pending bill. Such action could lead to dismissal, which is a more serious penalty than the \$200 fine this amendment would make applicable to the teacher as well as to the school board."

Senator Humphreys offered the following amendment and spoke in support thereof:

Amend the amendment of the committee by inserting after the number 1 in line 3 thereof the following: Amend RSA 189:10 by inserting after the word "schools" in line 4 thereof the following, regulated under the provisions of this chapter; further,

Further amend said amendment by inserting after the word "schools" in line 12 thereof the following, regulated under the provisions of this chapter, so that said amendment as amended shall read as follows:

Amend the bill by striking out all after the enacting clause and substituting therefor the following:

1 Amend RSA 189:10 by inserting after the word "schools" in line 4 thereof the following, regulated under the provisions of this chapter; further amend RSA 189:10 by inserting after the word "Independence" the following words, and in Communism and other political philosophies considered by the school board to be subversive to the principles of the Constitution of the United States. Such instruction shall include emphasis on the values of American representative government and on the dangers and fallacies of Communism, so that said section as amended shall read as follows:

189:10 Studies. The school board shall see that the studies prescribed by the state board are thoroughly taught, especially physiology and hygiene in so far as it relates to the effect of alcohol and narcotics on the human system. In all public and



private schools regulated under the provisions of this chapter in the state there shall be given regular courses of instruction in the constitutions of the United States and of this state, and also in the Declaration of Independence and in Communism and other political philosophies considered by the school board to be subversive to the principles of the Constitution of the United States. Such instruction shall include emphasis on the values of American representative government and on the dangers and fallacies of Communism. Any member of the school board who neglects or refuses to comply with the provisions of this section shall be fined two hundred dollars.

2 Takes Effect. This act shall take effect sixty days after its passage.

Senator Holmes: "I would have no objection to that kind of an amendment, if you wish. I would oppose the amendment of Senator Battles, however."

(Discussion ensued)

On a *viva voce* vote, the amendment offered by Senator Humphreys was adopted.

Question now being on amendment offered by Senator Battles.

Senator Battles: "Mr. President, what I really wish to be sure of is that Americanism versus Communism that is taught in the schools will be the type of Americanism versus Communism that is approved by the Board of Education. Sometimes the Board of Education is somewhat hesitant about cracking down on the teachers who refuse to comply with the wishes of the Legislature. I hope that this will not be the case here."

On a *viva voce* vote, the amendment offered by Senator Battles was not adopted.

(Discussion ensued)

Senator Gardner moved the previous question. Seconded by Senator Phillips.

On a *viva voce* vote, the affirmative prevailed.

Question now being on the adoption of the Committee amendment as amended.

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading.

### Resolutions

On motion of Senator Battles, the following Resolutions were adopted:

I move that the Rules of the Senate be so far suspended as to provide that the Committee on Claims shall act as a Subcommittee for the Committee on Finance, with power to hold hearings upon bills which may have been referred to the Finance Committee, and the Committee on Claims to make their report to the Committee on Finance, and the Committee on Finance shall then report to the Honorable Senate the recommendation of the Committee on Finance upon any bill so reported to them.

I move that the rules of the Senate be so far suspended for the balance of this session so as to permit a committee to hold a public hearing after only one days notice.

Senator Cleveland: "Mr. President, it is too late to amend the rules, but the President has informed me that at some time he would advise me what happens if action on a bill is a tie vote?"

The President: "It is the standard rule that a tie vote defeats the motion."

Senator Cleveland: "Then what happens to the bill?"

The President: "If a bill is on its third reading, by tie vote, the bill goes on the table, where it can be taken off by a two-thirds vote, or three legislative days' notice." On passage, if there is a tie vote, the bill does not pass, it is killed."

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following captioned House Joint Resolution:

HJR 41, providing funds for the purchase of certain equipment for the office of the Secretary of State.

Robert S. Monahan  
For the Committee

### House Message

Mr. President: The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

HB 256, relative to technical institutes and vocational technical schools.

### Read and Referred

To the Joint Committee on Finance and Education:

HB 256, relative to technical institutes and vocational technical schools.

### Special Order of Business At 11:01

Senator Holmes, at the request of Senator Caron, called for the Special Order.

Being on motion of Senator Drake, that the words, inexpedient to legislate, be substituted for the Committee Report, Ought to pass.

SB 140, relative to trespassing on uncultivated land.

Senator Drake: "Mr. President, I wish to withdraw my motion to substitute. I am happy to have had the opportunity to study over an afternoon and evening the implications of the bill. This does not change what is presently the right of a land owner to post his land. This puts cultivated and uncultivated land in the same status as far as a misdemeanor and penalty are concerned. I have faith in the land owners in this state and due to the fact that the major land owners in this state have adopted a very fine approach to the public on their land, I will trust to their best judgment to prevent additional land being posted that is not in the public interest."

The bill was ordered to a third reading.

On motion of Senator Provost, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time, and when the Senate adjourns today, it be to meet next Tuesday morning at 11 o'clock.

**Afternoon Session****Third Reading and Final Passage of Bills and Resolution**

SB 91, to amend the teachers retirement system.

SB 119, relative to medical assistance for the aged.

SB 140, relative to trespassing on uncultivated land.

HB 133, relative to certain deposit accounts in savings banks.

HB 345, providing for the control of aquatic nuisances on Lake Winnisquam.

HB 407, relative to the workmen's compensation law.

HB 417, relative to reclassification of roads in Colebrook and Stewartstown, and the East Side River Road in the town of Milan.

HJR 30, providing special equipment to be used in searching for lost persons.

The following entitled bill being on its second reading was open to amendment.

SB 136, making a legislative finding of fact relating to Communism; requiring the teaching of a course of study in the public schools entitled "Americanism versus Communism"; requiring the Dept. of Education of the state of New Hampshire to provide text materials and establish standards for the selection of such materials, and repealing all laws or parts of laws in conflict herewith.

Senator English offered the following amendment which was adopted:

Amend the title of the bill by striking out same and inserting in place thereof the following: relative to the study of Americanism in schools.

**Third Reading and Passage of Bill**

SB 136, relative to the study of Americanism in schools.

On motion of Senator Daniel, the Senate adjourned at 1:30 P.M.

TUESDAY, JUNE 13, 1961

The Senate met according to adjournment.

### Leaves of Absence

Senator Sawyer was granted leave of absence for the day on account of important business.

Senator Cheney was granted leave of absence for the day on account of illness.

### Guests

As the guests of Senator Dunnington, Reverend and Mrs. Bywater of England, and Mrs. Winifred Bowles of Dover, N. H.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 58, establishing a division of records management and archives.

HB 412, relative to additional grants of school building aid.

HB 363, relative to education for intellectually retarded children.

HB 47, amending the benefits payable upon retirement.

HB 280, relative to a civil defense fire and rescue training center.

HB 402, relative to credit unions.

HB 295, relative to future water supplies for the city of Manchester.

HB 346, establishing a department of resources and economic development merging therein planning and development, forestry, recreation, and transferring thereto for limited purposes the water resources board and the New Hampshire State Port Authority.

The Message further stated that the House has voted to concur with the Senate in the passage of the following entitled bills, sent down from the Senate:

SB 120, relative to jurisdiction of director of tobacco products division.

SB 74, relative to completion of state highway project in the town of Andover.

SB 117, to repeal Chapter 264 of the Laws of 1921.

The Message further stated that the House has voted to concur with the Senate in its amendments to the following entitled bill:

HB 210, relative to cooperative school districts.

The Message further stated that the House has passed the following Concurrent Resolutions, in the passage of which it asks the concurrence of the Senate:

*Whereas*, July 2, 1962, marks the centennial of legislation providing for the establishment of the national system of land-grant colleges and state universities, and

*Whereas*, the State of New Hampshire has been the beneficiary of the extensive services of its land-grant institution through the University of New Hampshire, and

*Whereas*, there has been established national recognition of the celebration for the Centennial of this historic Act by the United States Congress, now therefore be it

*Resolved*, by the House of Representatives, the Senate concurring:

That we, the members of the New Hampshire Legislature in General Court convened, participate in suitable statewide observance during the academic year 1961-62 for the 100th anniversary of the signing of the Land-Grant Act by President Abraham Lincoln.

On motion of Senator Holmes, the Senate voted to concur in the adoption of the above Concurrent Resolution.

The Message further stated that the House voted to concur with the Honorable Senate in its amendments to the following Concurrent Resolutions:

Resolution anent Mr. Geddes.

The Message further stated that the House has voted to adopt the recommendation of the Committee of Conference to whom was referred the following entitled bill:

SB 98, relative to mufflers on motor vehicles.

The President offered birthday congratulations of the Senate to Senator Cleveland.

### **Read and Referred**

To the Committee on Finance:

HB 58, establishing a division of records management and archives.

HB 47, amending the benefits payable upon retirement.

HB 280, relative to a civil defense fire and rescue training center.

To the Joint Committee of Finance and Education:

HB 412, relative to additional grants of school building aid.

HB 363, relative to education for intellectually retarded children.

To Committee on Banks & Insurance:

HB 402, relative to credit unions.

To the Special Committee of Senators Caron, Green, Provost, Daniel, Buckley and Bunten; Senator Caron to serve as Chairman:

HB 295, relative to future water supplies for the city of Manchester.

To the Joint Committee of Executive Dept., Municipal & County Government and Finance:

HB 346, establishing a department of resources and economic development merging therein planning and development, forestry, recreation, and transferring thereto for limited purposes the water resources board and the New Hampshire State Port Authority.



### Order Revoked

Senator Monahan moved that the order whereby HB 346 above, was referred to the Joint Committee of Executive Dept., Municipal & County Government and Finance be revoked and that the bill, together with SB 75, now in the hands of the Resources, Recreation & Development Committee, be referred to the Joint Committee on Finance and Resources, Recreation & Development.

(Discussion ensued)

Senator Monahan spoke in support of the motion. Also Senator Cleveland.

Senator Battles spoke against the motion.

Senator Drake suggested that perhaps he and Senator Monahan might be included in the Committee to sit in judgment on these bills.

The President: "If there is any misunderstanding, I will revoke my reference above."

Senator Monahan: "I appreciate this courtesy. I will repeat my motion above."

Senator Battles: "I think in view of the commotion that we have started on this referral, as far as I am concerned, if it is going to make Senators Drake and Monahan happy to be on the Committee, I will not oppose the motion."

On a *viva voce* vote, the motion carried.

The President: "The Chair revokes the reference of SB 75 to the Committee on Resources, Recreation and Development and will refer the bill to the Joint Committee of Finance and Resources, Recreation and Development."

### Introduction, First & Second Reading of Senate Bill

SB 152, relative to limitation of weight on certain motor vehicles. (Eaton) To the Committee on Transportation.

### Committee Reports

Senator Cheney, for the Committee on Finance:

HB 46, providing for salaries for classified and unclassified state employees. Ought to pass with amendment.

Amend section II, sub-section 4 of said bill by striking out in the nineteenth twentieth lines thereof the words and figures "Assistant commissioner public works and highways 10 249.20 11 653.20" and inserting in place thereof the words and figures, Assistant commissioner public works and highways 10 634.00 12 220.00,

Further amend section II sub-section 4 of said bill by striking out in the twenty-eighth and twenty-ninth lines thereof the words "Clerk of supreme court and court reporter 8 993.14 10 241.14" and inserting in place thereof the words and figures, Clerk of supreme court and court reporter 10 290.20 11 653.20,

Further amend section II, sub-section 4 of said bill by striking out in the thirty-fourth and thirty-fifth lines thereof the words and figures "Commissioner of public works and highways 12 106.12 13 770.12" and inserting in place thereof the words and figures, Commissioner of public works and highways 12 000.04 14 800.24,

Further amend section II, sub-section 4 of said bill by striking out in the thirty-sixth and thirty-seventh lines thereof the words and figures "Commissioner of the department of employment security 9 621.04 10 947.04" and inserting in place thereof the words and figures, Commissioner of the department of employment security 10 249.20 11 653.20,

Further amend section II, sub-section 4 of said bill by striking out in the forty-second and forty-third lines thereof the words and figures "Deputy commissioner of public works and highways 10 249.20 11 653.20" and inserting in place thereof the words and figures, Deputy commissioner of public works and highways 10 866.18 12 192.18,

Further amend section II, sub-section 4 of said bill by striking out in the eighty-eighth line thereof the words and figures "Secretary, tax commission 10 249.20 11 653.20" and inserting in place thereof the words and figures, Secretary, tax commission 10 634.00 12 220.00,

Further amend section II, sub-section 4 of said bill by striking out in the one-hundredth line thereof the words and figures "Tax commissioner (2) 8 365.24 9 535.24" and inserting in place thereof the words and figures, Tax commissioner (2) 8 993.14 10 241.14.

Further amend said bill by inserting after section 16 the following new sections:

17 Additional Salary Increase for 1962-63. In addition to the salaries provided for classified and unclassified positions in state service set forth in RSA 99:1 and RSA 94:1 as hereinbefore amended there shall be a salary increase of one hundred and twenty dollars per year. This salary increase shall be a part of the permanent salary for the various grades and positions and the salary scales hereinbefore set forth shall be adjusted accordingly. For the purpose of providing funds for the salary increase authorized by this section there are hereby appropriated for the fiscal year ending June 30, 1963, the following sums: \$345,162 from general funds; \$192,538 from highway funds; \$21,000 from fish and game fund; \$42,900 from federal funds; and \$19,680 from other self-sustaining funds.

Amend section 15 of said bill by striking out the reference "chapter 9, Laws of 1950" in the last line of said section and inserting in place thereof the reference, RSA, chapter 98.

Further amend said bill by renumbering and by striking out section 17 and inserting in place thereof the following:

18 Takes Effect. The provisions of section 17 shall take effect as of July 1, 1962. The remaining provisions of this act shall take effect July 1, 1961.

On motion of Senator Buckley, the reading of the amendments was dispensed with as they had been printed in Journal on Pages 738 and 739.

Senator Buckley explained the proposed amendments by the Committee by sections. Senator Bergeron spoke against all amendments.

On motion of Senator Holmes, the vote on the seven proposed Committee amendments in section II of the bill was taken individually.

Senator Eaton presiding.

On a *viva voce* vote, the proposed Committee amendments were adopted.

On a *viva voce* vote the proposed two new sections after section 16 of the bill were adopted.

Senator Battles offered the following amendment to the fifth paragraph in section II which was adopted:

Amend section II, subsection 4 of said bill, as amended, by striking out in the forty-second and forty-third lines thereof the words and figures "deputy commissioner of public works and highways \$10,866.18-\$12,192.18" and inserting in place thereof the words and figures, deputy commissioner of public works and highways \$10,866.18-\$12,424.36.

The President in the Chair.

Senator Caron offered the following amendment:

Amend paragraphs I and II of RSA 99:1 as inserted by section 1 of said bill by striking out the same and inserting in place thereof the following:

I The salary ranges for all classified state employees excepting those in engineering positions shall be established as follows:

Salary Grade	Minimum	Maximum
1	2830.00	3208.14
2	2913.04	3289.00
3	2995.20	3370.12
4	3045.12	3542.24
5	3157.18	3651.18
6	3267.16	3759.08
7	3376.10	3866.20
8	3453.06	4062.24
9	3590.08	4196.14
10	3696.16	4419.22
11	3860.22	4580.16
12	4040.14	4760.08
13	4220.06	4940.00
14	4400.24	5120.18
15	4540.12	5420.22
16	4900.22	6020.04
17	5180.24	6300.06
18	5460.00	6580.08
19	5740.02	6860.10
20	5970.12	7290.14
21	6300.06	7620.08
22	6630.00	7950.02

23	6910.02	8430.24
24	7290.14	8810.10
25	7670.00	9190.22
26	8050.12	9570.08
27	8430.24	9950.20
28	8810.10	10330.06
29	9190.22	10710.18
30	9570.08	11090.04

II The salary ranges for all classified state employees in engineering positions determined to be such by the governor and council shall be established as follows:

Salary Grade	Minimum	Maximum
11	4528.22	5392.16
12	4744.14	5608.08
13	4960.06	5824.00
14	5176.24	6040.18
15	5143.12	6155.22
16	5536.22	6788.04
17	5845.24	7115.06
18	6162.00	7432.08
19	6230.02	7462.10
20	6488.12	7920.14
21	6846.06	8278.08
22	7204.00	8636.02
23	7507.02	9159.24
24	7920.14	9572.10
25	8001.50	9587.72
26	8396.12	9992.08
27	8795.24	10391.20
28	9194.10	10790.06
29	9592.72	11188.68
30	9991.58	11587.54

Amend section 3 of said bill by striking out the same and inserting in place thereof the following:

3 Appropriations. There are hereby appropriated for the fiscal year ending June 30, 1962 for the salary increases for classified state employees as provided herein, the following sums: \$1,638,538.69 from the general funds of the state; \$937,610.40 from highway funds; \$100,628.36 from fish and game funds; \$212,759.98 from federal funds and \$95,877.99 from

self-sustaining funds. Like amounts chargeable to the same funds are hereby appropriated for the fiscal year ending June 30, 1963.

Senator Caron spoke in support of the amendment. Also Senators Dunlap and McMeekin.

Senator Eaton presiding.

Senator Cleveland spoke in support. Also Senator Gardner.

Senator Green spoke in opposition to the amendment.

(Discussion ensued)

On a *viva voce* vote, the amendment offered by Senator Caron was adopted, and the bill as amended was ordered to a third reading.

On motion of Senator Battles, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading.

HB 46, the bill was read a third time.

On the question of the passage of the above entitled bill, Senator Dunlap demanded a Roll Call.

The Clerk proceeded to call the Roll.

The following named Senators voted in the affirmative: Senators Lamontagne, Drake, McMeekin, Monahan, Gardner, Cleveland, Phillips, Dunlap, Eaton, English, Holmes, Paquette, Bunten, Caron, Provost, Daniel, Dunninton, Buckley and Battles.

The following named Senators voted in the negative: Senators Green, Bergeron and Humphreys.

Nineteen Senators having voted in the affirmative, and three Senators having voted in the negative, the affirmative prevailed, and the bill passed.

On motion of Senator Battles, the Senate refused to reconsider its vote on the above entitled bill.

Senator Humphreys: "Mr. President, my vote against this bill as amended was not based on the merit of the bill, but was simply based on the fact that after the House spent months and

a great deal of study on this bill, and after the Senate had only a few days to study it, it may be that we have passed something on which we know very little about."

Senator Caron stated that she was very sorry but she must contradict the above Senator.

### Committee Reports (continued)

Senator Cheney, for the Committee on Finance:

HB 86, increasing the state guarantee of **municipal bonds** issued for water pollution projects. Ought to pass.

Senator Humphreys: "Mr. President, this is more or less of a housekeeping bill. It provides to increase the amount that the state can guarantee for municipal bonds where they have pollution projects."

The bill was ordered to a third reading.

Senator Cheney, for the Committee on Finance:

HB 157, relative to retired members of the policemen's retirement system. Ought to pass.

Senator Dunnington: "Mr. President, this bill is a bill drawn up to aid a group of retired policemen who retired prior to May, 1961 at a very low salary. All under \$100. This bill as amended appropriated \$10,000. Most policemen will be given slightly above \$100 a month for limited period from January 1 to December 31, when they will be picked up by the new retirement program. They retired before these benefits were in keeping with the present high cost of living. For a limited period only."

The bill was ordered to a third reading.

Senator Cheney, for the Committee on Finance:

HB 158, relative to policemen's retirement system, thirty year plan. Ought to pass.

Senator Dunnington: "Mr. President, this is a major change in the police retirement program. This is a program that has been worked on for months and even years by various police organizations. They have arrived at a figure which has been approved by the Governor's office, \$164,000 a year. The original



bill would have enabled police to retire after 25 years' service. That has been taken out and it has been made 30 years' service. The bill as amended and passed by the House is very acceptable to all the police organizations. We held hearings on it. No one appeared in opposition. This \$164,000 does not go quite as far as they would like, but it is a satisfactory figure."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 170, establishing the office of judicial referee. Ought to pass.

Senator Cleveland: "Mr. President, this is a Judicial Council bill and it provides for a system whereby judges over the age of 70 to perform useful service as Judicial Referees at a salary that will equal three-fourths of their previous salary. It was clearly understood at the hearing that those judges would be entitled to obtain this fee only if they rendered special services. One argument for this bill is that this bill will relieve the dockets of the court. No opposition at the hearing."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 189, relating to the salaries of the Rockingham County Commissioners. Ought to pass.

Senator Cleveland: "Mr. President, this bill was approved by the Rockingham County delegation in the House. No opposition at the hearing."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 264, relating to Constitutional Conventions. Ought to pass.

Senator Cleveland: "Mr. President, this is a relatively inconsequential bill and it has to do with the successors of delegates to the Constitutional Convention who can no longer serve. It was felt that it might be a good thing."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

SB 142, to establish a uniform motor vehicle certificate of title and anti-theft act.

Recommend that the matter be referred to an Interim Study Committee, by Resolution:

The Committee on Judiciary, to whom was referred Senate Bill No. 142, "An Act to Establish a Uniform Motor Vehicle Certificate of Title and Anti-Theft Act", having considered the same, report the same with the following concurrent resolution and the recommendation that the concurrent resolution be adopted.

*Resolved* by the Senate, the House of Representatives concurring, that Senate Bill No. 142, "An Act to Establish a Uniform Motor Vehicle Certificate of Title and Anti-Theft Act" be referred to a special study committee of five members. The commissioner of motor vehicles and the attorney general shall be ex-officio members of said committee, provided that the attorney general may designate one of his assistants to act as an ex-officio member in his place. The remaining three members shall be appointed by the governor as follows: One of said members shall be a representative of the New Hampshire Automobile Dealers Association, one of said members shall be a representative of the commercial banks of this State, and the third shall be a New Hampshire resident representing the general public. The members of the committee shall serve without compensation. Said committee shall make a report of its findings and recommendations to the 1963 legislature.

(Discussion ensued)

Senator Battles stated that he would like to prepare an amendment and moved that further consideration of this bill and report be made a Special Order of Business for next Thursday morning at 11:01.

On a *viva voce* vote, the motion for Special Order carried.

Senator Drake, for the Committee on Fisheries & Game:

HB 235, to include wild animals with respect to open season. Ought to pass with amendment.

### Amendment

Amend section 1 of said bill by striking out after the word "wild" wherever it shall appear the comma so that said section as amended shall read as follows:

1 Fish and Game Definitions. Amend the definitions of open and closed season found in RSA 207:1 by inserting after the word "game" where it occurs in said definitions the word, wild so that said definitions as amended shall read as follows:

Open Season: That period of time during which fish, game, wild or fur-bearing animals may be legally taken or killed.

Closed Season: That period of time during which fish, game, wild or fur-bearing animals may not be taken or killed, and all periods of time not included within the open season.

Senator Drake: "Mr. President, the amendment corrects a technical error—simply to remove a comma."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Drake, for the Committee on Fisheries & Game:

SB 144, controlling the use of house boats. Ought to pass with amendment.

Amend Section 1 of the bill by adding in line 4, after the number 149, the following: — provided however that the provisions of this section shall not apply to or include cruisers, so that section as amended shall read as follows:

1 House Boats. Amend RSA 486:3 by striking out said section and inserting in place thereof the following: 486:3 House Boats Restricted. No person shall at any time place a house boat in or upon, or use or operate such boat upon any waters of this state classified B-1 or higher pursuant to RSA 149, provided however that the provisions of this section shall not apply to or include cruisers. Whoever violates any provision of this act shall be fined not more than fifty dollars. Board of Health or health officers of towns abutting any of said bodies shall have power and authority to enforce the provisions hereof with respect to such body.

Senator Drake: "Mr. President, Committee reports Ought to pass with amendment. Amendment adds; provided however the provisions of this section shall not include cruisers.

"Since New Hampshire has made great strides in getting its surface waters classified to reasonable levels, it would appear detrimental to allow pollution to again become a problem on

our lakes already B-1 or higher. There is no presently known method of treating the sewage resulting from houseboats. Cruisers which are operated more or less as a day to day operation have chemical toilets and even after this treatment would be required to discharge their toilets further than a specified distance offshore. Aside from the pollution question, the question of unlimited anchorage and depreciation of property of lake shore property must also be considered. It has been established that anchorage rights exist up to the natural high water mark. Houseboats might well anchor right in front of anyone's shore property and stay for a summer, dump their pollution, interfere with your privacy, get all of the benefits of lakeside living and yet pay not one cent in taxes. Any influx would thus naturally reduce the desirability of shore property and taxpayers might well petition for abatement of taxes. This is not a new departure. Lake Squam, the 4th largest lake in the state has been so restricted since 1941.

"Water Pollution Commission in favor of the bill.

"A number of lakefront owners and Associations spoke for the bill.

"No one appeared in opposition."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Drake, for the Committee on Fisheries & Game:

HB 410, providing for training in safe handling of firearms by certain minors. Ought to pass.

Senator Drake: "Mr. President, committee reports this bill as Ought to Pass without Amendment. Consider this an important step forward in the control of hunting accidents. Youngsters between the ages of 16 and 19 would, under the provisions of this act, be required to show a certificate proving successful completion of a Hunter Safety course before buying their first hunting license. The proposed program to make these courses available throughout the state has been developed during more than two years of cooperative effort between the Fish and Game Dept. and the New Hampshire branch of the National Rifle Association. The Fish and Game Dept. would administer the certification. (Here may I point out that the N. H. Fish and Game Commission is the only state so far that

was willing to go along with such a program. The other twelve states that have some type of program for control of hunting licenses for youngsters have had the program forced on them by legislation.) Since this 16 to 19-year-age group cause about 60% of all hunting accidents both nationally and locally and will include between 6,000 and 7,000 youngsters annually, the committee felt that this bill was very important and should be the starting point for legislation of state control of license issuance.

"Already there are over 140 safety instructors trained and certified by both their own officials and by local conservation officers and the list is growing weekly. Many training centers are already in operation and conducting courses, plus more than a dozen provided by public high schools. National Rifle Assn. has edited an Instructors Manual now available to all instructors and conservation officers. This Manual covers in detail the learning steps. The Fish and Game Dept. is prepared to activate the program as soon as it is passed and expects to be able to absorb it within present personnel and budget, because of valuable active help anticipated from the NRA and other Sportsmen's groups. Further study should also be made as to any practical application of educational film on Channel 11. Gaps in training groups and lack of instructors statewide would be covered by a special team of conservation officers. No opposition to the bill."

The bill was ordered to a third reading.

Senator Monahan, for the Committee on Resources, Recreation & Development:

HB 174, relative to the salary of the sheriff of Rockingham County. Ought to pass.

Senator Battles: "Mr. President, this puts the salary of the Rockingham County sheriff on a salary basis and takes all the fees away from him. There was no opposition. The Rockingham County delegation voted unanimously in favor. The salary is set at \$8,500."

Senator Monahan: "Mr. President, I am in accord with the Committee report. I believe it is a step in the right direction. How this works out will be watched with interest by many people throughout the state."

The bill was ordered to a third reading.

### Report of Committee of Conference

The Committee of Conference to which was referred Senate Bill 98, An Act relative to mufflers on motor vehicles, having considered the same, report the same with the following recommendation:

That the Senate recede from its position of non-concurrence and that the House recede from the adoption of its amendment and that the Senate and House adopt the following amendment:

Amend paragraph IV of section 1 of the bill by striking out the last sentence, so that said paragraph as amended shall read as follows:

IV A muffler is a device consisting of a series of chambers, or baffle plates, or other mechanical design for the purpose of receiving exhaust gases and effectively reducing noise.

Further amend said bill by inserting after section 1 thereof the following new section.

2 There is hereby established a committee consisting of five members; one to be appointed by the President of the Senate, two to be appointed by the Speaker of the House and two to be appointed by the Governor. Said committee is hereby authorized, empowered and directed to study the advisability of defining excessive noise on the basis of decibels and the accuracy, efficiency and reliability of a sound meter so calibrated in relation to motor vehicle exhaust noises and to report its findings to the 1963 General Court.

Further amend said bill by renumbering section 2 to read 3.

Conferees on the part of the Senate:

Frank T. Buckley  
Laurier Lamontagne

Conferees on the part of the House:

Russell G. Claflin  
Harold L. Barnard  
James Pettigrew

On motion of Senator Buckley, the Senate voted to adopt the report of the Committee of Conference on the above entitled bill.

Senator Monahan, for the Committee on Engrossed Bills:

HB 107, relative to the workmen's compensation law. Under Joint Rule No. 6 with the following amendment:

Amend section 5 by striking out the words "his employer's insurance carrier" and inserting in place thereof the words, the employer's insurance carrier,

Amend section 6 by striking out the first three lines and inserting in place thereof the following:

6 Election by Municipalities. Amend RSA 281:7 by inserting after the words "school district" in the first line the words, supervisory union, and by inserting after the word "thereof" in the tenth line the words, for a supervisory union by the supervisory union board thereof, so that said section shall read as follows:

Amend section 9 by inserting before the word "commissioner" where it occurs the word, labor,

On motion of Senator Monahan, the Senate voted to adopt the amendment offered by the Committee on Engrossed Bills.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills and House Joint Resolution:

HB 81, extending the provisions of law relative to an accelerated highway and construction and improvement program.

HB 345, providing for control of aquatic nuisances on Lake Winnisquam.

HB 417, relative to reclassification of roads in Colebrook and Stewartstown and the East Side River Road in the town of Milan.

SB 101, prohibiting use of certain boats in Abbott Forest pond in Stoddard.



SB 120, relative to jurisdiction of director of tobacco products division.

SB 129, relative to the department of employment security.

SB 130, relative to notice to department of employment security of licensed employment offices.

HJR 30, providing special equipment to be used in searching for lost persons.

HB 50, relative to special fish and game licenses for non-resident members of the armed forces of the United States.

HB 436, authorizing cities and towns to construct moving sidewalks.

HJR 13, authorizing a study of the operation of the milk control act.

HJR 16, in favor of Wilbur J. Little.

HJR 17, in favor of Rita Collyer.

HB 9, relative to payment of expenses of the 1959 session of the constitutional convention.

HB 19, providing funds for the perambulation of the Maine - New Hampshire boundary line.

Robert S. Monahan  
For the Committee

### **Special Order of Business at 11:01**

Senator McMeekin called for the Special Order.

Question being on adoption of amendment offered by Senator Humphreys to:

HB 411, relative to appointment of ballot inspectors in the city of Claremont.

At the request of Senator McMeekin, Senator Humphreys explained the need for such a bill.

Senator McMeekin: "Mr. President, after looking the amendment over and listening to the explanation of the Senator above, I am in agreement with the proposed amendment."

The amendment was adopted.

Senator Holmes offered the following amendment:

Strike out the words "Party Committees" and insert the word, selectmen.

(Discussion ensued)

Senator Holmes withdrew her amendment and offered the following amendment:

That the Party Committee should appoint the ballot inspectors.

(Discussion ensued)

On a *viva voce* vote, the amendment above offered by Senator Holmes was not adopted.

The bill as amended by Senator Humphreys was ordered to a third reading.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time.

### **Third Reading and Final Passage of Bills**

SB 144, controlling the use of house boats.

HB 86, increasing the state guarantee of municipal bonds issued for water pollution projects.

HB 157, relative to retired members of the policemen's retirement system.

HB 158, relative to policemen's retirement system, thirty year plan.

HB 170, establishing the office of judicial referee.

HB 174, relative to the salary of the sheriff of Rockingham County.

HB 189, relating to the salaries of the Rockingham County Commissioners.

HB 235, to include wild animals with respect to open seasons.

HB 264, relating to constitutional conventions.

HB 410, providing for training in safe handling of firearms by certain minors.

HB 411, relative to ballot inspectors.

On motion of Senator Caron, the Senate adjourned at 2:05 P.M. in honor of the President of the Senate and Mrs. Green on the occasion of their 25th Wedding Anniversary and also in honor of the birthday of Senator James C. Cleveland.

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WEDNESDAY, JUNE 14, 1961

The Senate met according to adjournment.

#### Leave of Absence

Senator Cheney was granted leave of absence for the day on account of illness.

#### Guests

As the guest of Senator English, Mr. George I. Bliss of Rindge.

As the guest of Senator Monahan, Mr. George F. Richardson, Jr. of Lebanon.

#### House Message

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 403, authorizing the establishment of a branch bank in Goffstown.

HB 451, relative to maintenance allotment by the state for class IV and V highways.

HB 476, changing the name of the New Hampshire Tuberculosis Association.

The Message further stated that the House has voted to concur with the Senate in its amendments to the following entitled bill:

HB 133, relative to certain deposit accounts in savings banks.

The Message further stated that the House has voted to concur with the Senate in the passage of the following entitled bill, sent down from the Senate:

SB 139, increasing the salary of the Belknap County Attorney.

The Message further stated that the House has voted to adopt the amendments offered by the Committee on Engrossed Bills to the following entitled Senate and House Bills, in the adoption of which amendments the House asks the concurrence of the Senate:

SB 117, to repeal chapter 264 of the Laws of 1921.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relative to highways in the town of Goffstown.

On motion of Senator Monahan, the Senate voted to concur in the adoption of the amendment of the Engrossed Bills Committee.

HB 366, relative to motor vehicle sales finance.

Amend RSA 361-A:5 as inserted by section 1 of said bill by striking out the words "justice of the superior court for a proof of such refusal, shall issue" in the twentieth line and inserting in place thereof the following: justice of the superior court who, after proof of such refusal, shall issue

On motion of Senator Monahan, the Senate voted to concur in the adoption of the amendment proposed by the Committee on Engrossed Bills.

### **Read and Referred**

To the Committee on Banks & Insurance:

HB 403, authorizing the establishment of a branch bank in Goffstown.

To the Joint Committee of Finance and Public Works:

HB 451, relative to maintenance allotment by the state for class IV and V highways.

To the Committee on Judiciary:

HB 476, changing the name of the New Hampshire Tuberculosis Association.

### **Order Revoked**

The President stated that he would revoke the order whereby HB 449, relative to term of office of members of the state soil conservation committee had been referred to the Committee on Agriculture and would re-refer the bill to the Joint Committee of Finance and Agriculture.

### **Committee Reports**

Senator Humphreys, for the Committee on Finance:

HB 373, making appropriations for expenses of certain departments of the state for the year ending June 30, 1962. Ought to pass with amendments.

On motion of Senator Humphreys, the reading of the amendments was dispensed with in view of their having been printed in the Journal of Thursday, June 8th.

The President: "The amendments start on Page 712 and we will go over them section by section. We will accept amendments after the conclusion of the Committee amendments."

Senator Humphreys explained the amendment.

#### *Legislative Branch:*

Amend Section 1 of the bill as follows:

Amend the bill in the appropriation for legislative branch, by striking out in the sixth line the figure "\$7,500.00" and inserting in place thereof the figure, \$8,000.00. Further amend by striking out in the ninth and tenth lines the words and figures "(Salary of research analyst to senate finance committee \$7,000.00," and inserting in place thereof, Salary of research analyst to senate finance committee \$7,500.00.

The first amendment is in the Legislative Branch and gives a \$500. increase to the Research Analyst to the Finance Com-

mittee. This does not affect the total Legislative appropriation. This position being in the Legislative Branch is not covered by other salary bills.

On a *viva voce* vote, the amendment offered by the Committee was adopted.

Senator Humphreys explained the amendment offered by the Committee.

*Executive Branch:*

Amend the bill in the appropriation For executive branch: by striking out said appropriation and inserting in place thereof, the following:

For executive branch:

Office of governor:

Salary of governor	\$15,500.00	
Other personal services:		
Other*	35,000.00	\$50,500.00
Current expenses		5,650.00
Travel		1,200.00
Equipment**		8,500.00
Total		\$65,850.00
Contingent fund		7,500.00
Special citations to state employees	300.00	
Governor's special fund***	10,000.00	
Total for governor's office		\$ 83,650.00

Executive council:

Personal services:

Other:

Per diem-governor's council	13,500.00	
Salary of secretary to governor's council	2,500.00	16,000.00
Current expenses		300.00
Travel		3,200.00
Total for executive council		19,500.00
Emergency fund		75,000.00
Total for executive branch		\$178,150.00

\* Salaries paid out of this appropriation shall be at levels set by the governor.

\*\* In this appropriation \$7,000.00 shall be for carpeting for the executive suite.

\*\*\* The funds appropriated under this item are to be spent by the governor in his own and sole discretion for state purposes, including but not limited to participation in the activities of the United State's Governors Conference, the New England Conference of Governors, and the Council of State Governments, for which monies are not otherwise appropriated.

The Finance Committee has recommended an increase in the total budget for the Executive Branch in the amount of \$5,300.00. Over and above the amounts approved by The House, we have approved an increase of \$2,500. in personal services, to cover increased workload; \$1,000.00 in Current Expenses, \$600.00 in Travel and \$1,200.00 in equipment. It is the consensus of the Committee that the Executive Office should have enough funds for efficient operation as well as other state offices. These additions will bring this budget in line with the needs of the Office.

Under the Division of Executive Council the Committee has split the amount for Per Diem for Council members and the amount paid for secretarial services. For several years the Council has employed a secretary on a temporary basis and the amount to pay her has been included in the Council's per diem.

On a *viva voce* vote, the amendments offered by the Committee were adopted.

Senator Humphreys explained the Committee amendment.

*Adjutant General:*

Amend the bill in the appropriation For Adjutant General's Department, in the paragraph, State Military Reservation, Concord: by striking out the paragraph and inserting in place thereof the following:

State military reservation, Concord:

Personal services:

Permanent	\$6,545.24
Current expenses	29,925.00
Travel	500.00
Equipment	175.00

Total

\$37,145.24



Further amend the appropriation For adjutant general's department by striking out the words and figures, "Total for adjutant general's department \$377,404.53" and inserting in place thereof, Total for adjutant general's department \$384,249.77. Further amend by striking out the words and figures, "Less estimated revenue 54,972.12" and inserting in place thereof, Less estimated revenue 57,314.43. Further amend by striking out the words and figures, "Net appropriation \$322,432.41" and inserting in place thereof Net appropriation \$326,935.34.

In the Division of state military reservation: Concord, the increased amount of \$6,545.24 in Personal services is to cover 2 additional positions which the Committee believes are essential to the Department. One position is a Maintenance Mechanic who will travel to all armories to do the maintenance on the boilers and heating systems. Travel has also been increased by \$300. to permit this. It is the belief of the Committee that the cost of the position and the increased travel will be more than offset by reduction in costs for hiring spot jobs done, and, at the same time will keep the heating apparatus in much better general condition. The Building Service Worker will be a full time worker at The Reservation. Actually the net increase is only \$4,502.93 as the revenue from Federal has been increased by \$2,342.31.

On a *viva voce* vote, the amendments offered by the Committee were adopted.

Senator Humphreys explained the Committee amendment.

#### *Administration and Control:*

Amend the bill in the appropriation For Administration and Control, in the paragraph, Division of Purchase and Property, by striking out the words and figures, "Other personal services: Permanent 46,174.61" and inserting in place thereof, Other personal services: Permanent 41,494.61. Further amend said paragraph by striking out the figure \$58,158.21 denoting the total for personal services and inserting in place thereof, \$53,478.21. Further amend said paragraph by striking out the words and figures, "Total \$63,438.21" and inserting in place thereof, Total \$58,758.21. Further amend said paragraph by

striking out the words and figures, "Net appropriation 62,838.-21" and inserting in place thereof, Net appropriation 58,158.21.

Further amend the appropriation For administration and control, by striking at the end thereof, the words and figures, "Total for administration and control \$979,120.22", and inserting in place thereof, "Total for administration and control \$974,440.22.

This appropriation has been amended within the Division of Purchase and Property and one new position of Buyer II has been deleted. This position had been recommended by the Governor and approved by the House but it was the belief of the Committee that the department had sufficient buyer personnel.

On a *viva voce* vote, the Committee amendment was adopted.

Senator Humphreys explained the Committee amendment.

#### *Agriculture:*

Amend the bill in the appropriation For agriculture, in the paragraph, Office of commissioner, by striking out at the end of said paragraph, the words and figures, "Total \$77,722.35" and inserting in place thereof, Total \$81,416.43.

Further amend said appropriation For agriculture, in the paragraph, Milk Control, by striking out said paragraph and inserting in place thereof the following:

#### Milk control:

##### Personal services:

Permanent	\$12,290.58
Other	1,250.00 \$13,540.58
Current expenses	1,965.00
Travel	2,850.00
Equipment	395.00

##### Other expenditures:

Public hearings	250.00
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Total	\$19,000.58
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Less estimated revenue	19,000.58
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Net appropriation	0.00
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Further amend the appropriation For agriculture, in the paragraph, Grants: \* by striking out said paragraph and inserting in place thereof the following:

Grants: \*

State soil conservation committee	300.00
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Further amend said appropriation For agriculture, by striking out at the end thereof, the words and figures, "Total for department of agriculture \$338,812.00" and inserting in place thereof, Total for department of agriculture \$335,811.42.

The first amendment inserts officially a total which was omitted inadvertently by the House in its amendments (Figure is incorrect and should be \$80,961.43).

The 2nd amendment is in the Division of Milk Control. \$500.00 was added to Other Personal Services which covers the Board's costs. This was offset by a reduction in Travel in the same amount. Based upon the Division's new estimates of revenue due to the activity of the secretary in the field, the Committee has increased the revenue by \$1,000.58, thus making this an entirely self-sustaining division and reducing the net required from General Fund by this amount.

The third amendment has the effect of striking out the item of "Eastern States exhibit \$2,000.00 which has been provided in another section of the bill. The Attorney General has advised that the Legislature may make this charge properly against the amount provided for Agricultural Fairs from racing revenue.

The Committee amendment was adopted.

Senator Eaton presiding.

Senator Humphreys explained the committee amendment.

*Attorney General:*

Amend the bill in the appropriation For attorney general, in the paragraph, Office of attorney general: by striking out said paragraph and the footnote pertaining thereto and inserting in place thereof the following:

## Office of attorney general:

Salary of attorney general	\$12,280.00	
Salary of deputy attorney general	10,868.00	
Salary of 4 assistant attorneys general	35,875.20	
Other personal services:		
Permanent	38,959.43	
Other	1,200.00	\$99,182.63
Current expenses		5,700.00
Travel		3,225.00
Equipment		3,189.00
Other expenditures:		
Investigation of subversive activities including personal services	\$10,000.00	
Commission on uniform laws	1,000.00	
Legal services re department of public works and highways	6,000.00	17,000.00
Total		\$128,296.63
Less estimated revenue		31,265.00
Net appropriation		\$97,031.63

Further amend the appropriation For attorney general, by striking out at the end thereof, the words and figures, "Total for attorney general \$106,424.49" and inserting in place thereof, Total for attorney general \$108,156.49.

The amendment to the budget for the Attorney General has the effect of striking out a fifth assistant attorney general position created by The House through amendment, and the footnote specifying the use of and duties of the additional assistant.

The Finance Committee has instead set in a line item for the continuation of investigation of subversive activities including personal services. This will provide for an attorney to carry on the service on a part time basis, whatever clerical assistance will be required by him, and enough money for required current expenses and travel.

The President in the Chair.

The Committee amendment was adopted.

Senator Humphreys explained the committee amendment.

*Forestry Division:*

Amend the bill in the appropriation, For forestry division (forestry and recreation), in the paragraph, Administration, by striking out the words and figures, "Travel 600.00" and inserting in place thereof; Travel 995.00. Further amend said paragraph by striking out the words and figures, "Total \$50,159.47" and inserting in place thereof, Total \$50,554.47. Further amend said paragraph by striking out the words and figures, "Net appropriation \$49,924.82" and inserting in place thereof, Net appropriation \$50,319.82.

Further amend the appropriation For forestry division (forestry and recreation) in the paragraph; District fire supervision, by striking out said paragraph and inserting in place thereof the following:

District fire supervision:

Personal services:

Permanent	\$85,687.32	
Other	500.00	\$86,187.32
Current expenses		17,820.00
Travel		12,583.00
Equipment		11,302.00
Total		\$127,892.32
Less revenue and balance*	75,000.00	
Net appropriation		52,892.32

\* If the federal grant exceeds the above estimate, such excess may be expended for said purposes with the approval of the governor and council.

Further amend said appropriation For forestry division (forestry and recreation), in the paragraph, "Cooperative forest management, by striking out the figure "16,000.00" and inserting in place thereof, 18,000.00.

Further amend said appropriation For forestry division (forestry and recreation) by striking at the end thereof the words and figures, "Total for forestry \$233,249.35" and inserting in place thereof, Total for forestry \$242,712.11.

Administration: The first amendment provides an increase in Travel of \$395.00. This increase is to permit the State Forester to attend certain conferences in conjunction with the Federal Forestry people and through these conferences it is possible for the State Forester to procure sizable additional Federal benefits. This appeared to the Committee to be in the best interest of the State and thus was granted.

The committee amendment was adopted.

Senator Humphreys explained the committee amendment.

District Fire Control: There is an addition here of a total of \$7,067.76. It includes the restoration of a position of Maintenance Mechanic II, without which the Department would be left with only 2 maintenance mechanics and it would be impossible to perform its maintenance work. This Department has reduced its maintenance staff over the years by several positions but there is a point beyond which it cannot go. The \$1,300.00 added to Current Expense is in three items, \$300.00 was added to the item of Clothing to allow for a summer uniform for each of the Fire Tower Attendants. Many visitors go to the several towers and it is the feeling of the Department and of the Committee that these men should be neatly attired. \$500.00 is for Motor Vehicle Upkeep. This Department gets many of its vehicles from surplus but must recondition them. The remaining \$500. is in the item of Insurance and is a required amount.

Equipment: The increase here is to restore this item to the original departmental request. It was the feeling of the Committee that all equipment listed was essential in this particular division relating to Fire Control.

*Cooperative Forest Management:*

The addition of \$2,000. is for the purpose of paying the state's share of the cost of one additional County Forester. This still leaves one county without a Forester. The workload of these foresters has increased extensively with the stimulated interest in reclaiming the forests. Up to now there have been two counties without foresters — this will eliminate one shortage and it is hoped that in the other situation the assistant forester working in the two county area can carry on for at least another two years.

The committee amendments were adopted.

Senator Humphreys explained the committee amendment.

*Health:*

Amend the bill in the appropriation, For department of health, in the paragraph, Hospital services: state, by striking out the words and figures, "Permanent \$24,414.18" and inserting in place thereof, Permanent \$24,826.28. Further amend said paragraph by striking out the words and figures, "Total 27,814.18" and inserting in place thereof, Total 28,226.28.

Further amend the appropriation For department of health, in the paragraph, Sanitary engineering: state, by striking out the words and figures, "Permanent \$53,886.56" and inserting in place thereof, Permanent \$60,876.66. Further amend said paragraph by striking out the figure "\$64,476.56" denoting the total for personal services and inserting in place thereof, \$71,466.66. Further amend said paragraph by striking out at the end thereof, the words and figures, "Total 78,951.56" and inserting in place thereof, Total 85,941.66.

Further amend the appropriation For department of health, by striking out at the end thereof, the words and figures, "Net appropriation \$772,152.94" and inserting in place thereof, Total for department of health \$779,555.14.

The first amendment in the Department of Health is within the Division of Hospital Services; where the Finance Committee deleted a position of Civil Engineer, allowed by the House and reinstated a position of Auditing Analyst — with a net increase of \$412.10. The Auditing Analyst is another of the long term employees — approximately 25 years of service which was deleted.

The second amendment is in the Division of Sanitary engineering, State, where the Finance Committee has set up a new position of a Sanitary Engineer II. This position is supervisory in nature in so far as the work the Water Pollution Commission is concerned — Person will work on local problems — wells, etc. Up to this time this part of the problem has been brushed over as there has not been any one to carry it on. This position adds \$6,990.10 in 1962 and \$7,298.20 in 1963.

The committee amendments were adopted.



Senator Humphreys explained the committee amendments.

*Insurance:*

Amend the bill in the appropriation For Insurance Department, in the paragraph, Office of commissioner, by striking out the words and figures, "Equipment 860.00\*" and inserting in place thereof, Equipment 866.00\*. Further amend said paragraph by striking out the words and figures, "Total \$66,620.78" and inserting in place thereof, Total \$66,626.78.

Further amend the appropriation For Insurance Department, in the paragraph, Rating division: by inserting after the words and figures, Travel 300.00, the words and figures, Equipment 235.00. Further amend said paragraph for Rating division by striking out the words and figures, "Total 8,204.24" and inserting in place thereof, Total 8,439.24.

Further amend the appropriation For Insurance Department, in the paragraph, Real estate division, by striking out the words and figures, "Current expenses 1,285.00" and inserting in place thereof, Current expenses 1,185.00. Further amend said paragraph by inserting after the words and figures, Travel 200.00, the words and figures, Equipment 15.00. Further amend said paragraph by striking out the words and figures "Total 4,987.57" and inserting in place thereof, Total 4,902.57.

Further amend the appropriation For Insurance Department by striking out at the end thereof the words and figures, "Total for insurance department \$79,812.59" and inserting in place thereof, Total for insurance department \$79,968.59.

In this department the Committee approved an addition of \$6.00 in the office of the commissioner and inserted an item for equipment in the Rating Division for one Post Index file and a base in the amount of \$235.00. In the Real Estate Division the Committee reduced Current Expenses by \$100. back to the Department's original request and added an item of Equipment in the amount of \$15.00.

The first three committee amendments were adopted.

Senator Dunlap offered the following amendment to the fourth paragraph of the Insurance Department budget:

Amend the fourth paragraph of the committee's amendment relative to the appropriation For Insurance Department



by striking out the same and inserting in place thereof the following:

Amend the bill in the appropriation For Insurance Department in the paragraph Rating division by inserting after Total Personnel Services Permanent the following:

Personnel Services — Other

*Insurance Actuary	\$10,000.00
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\*The funds in this appropriation are for the employment of necessary actuarial services and no part thereof shall be transferred to any other appropriation or expended for any other purpose.

Further amend said paragraph for Rating division by striking out the words and figures "Total \$8,439.24" and inserting in place thereof, Total \$18,439.24.

Further amend the appropriation For Insurance Department by striking out at the end thereof the words and figures "Total for insurance department \$79,812.59" and inserting in place thereof, Total for insurance department \$89,968.59.

On a *viva voce* vote, the amendment offered by Senator Dunlap was adopted.

On a *viva voce* vote, the committee amendment was adopted.

Senator Humphreys explained the committee amendment.

*Labor:*

Amend the bill in the appropriation For Department of Labor, in the paragraph, Office of commissioner, by striking out the words and figures, "Travel 2,600.00" and inserting in place thereof, Travel 2,100.00. Further amend said paragraph by striking out the words and figures, "Total \$28,622.26" and inserting in place thereof, Total \$28,122.26.

Further amend the appropriation For Department of Labor, in the paragraph, Factory inspections division, by striking out said paragraph and inserting in place thereof the following:

## Factory inspections division:

## Personal services:

Permanent	\$36,301.35	
Current expenses	2,250.00	
Travel	8,500.00	
Equipment	475.00	
Total		47,526.35

Further amend said appropriation For Department of Labor, by striking out at the end thereof, the words and figures, "Total for department of labor \$111,673.72" and inserting in place thereof, Total for department of labor \$109,673.82.

In this Department, the Committee reduced Travel in the Office of Commissioner by \$500.00 (Eliminating the Commissioner's request to travel to Hawaii to a conference).

In the Factory Inspections Division, a correction of .10c was made and the item of Travel was reduced by \$1500.

Senator Caron offered the following amendment to the amendment:

Amend the second paragraph of the committee's amendment relative to the appropriation For Department of Labor by striking out the same and inserting in place thereof the following:

Further amend the appropriation For Department of Labor, in the paragraph, Factory inspections division, by striking out said paragraph and inserting in place thereof the following:

## Factory inspections division:

Permanent	\$40,001.41*	
Current expenses	3,250.00	
Travel	10,000.00	
Equipment	475.00	
Total		52,726.41

\*\$3700.00 of this amount shall be used to employ a new factory inspector I.

On a *viva voce* vote, the amendment to the amendment offered by Senator Caron was adopted.

On a *viva voce* vote, the amendment as amended was adopted.

Senator Humphreys explained the committee amendment:

*Motor Vehicle:*

Amend the bill in the appropriation For Motor Vehicle Department, in the paragraph, Inspectional services, by striking out the words and figures, "Travel 23,500.00" and inserting in place thereof, Travel 23,000.00. Further amend said paragraph by striking out the words and figures, "Total 152,530.80" and inserting in place thereof, Total 152,030.80.

Further amend said appropriation For Motor Vehicle Department, by striking out at the end thereof, the words and figures, "Total for motor vehicle department \$700,683.10" and inserting in place thereof, Total for motor vehicle department \$700,183.10. Further amend by striking out the words and figures, "Less revenue 700,683.10" and inserting in place thereof, Less revenue 700,183.10.

Inspectional services: Travel was reduced by \$500.00. Even with this reduction the Travel item is up \$2,500 over the Governor's recommendation.

On a *viva voce* vote, the committee amendment was adopted.

Senator Humphreys explained the committee amendment.

*Personnel:*

Amend the bill in the appropriation For Personnel Department, in the paragraph, State funds: by striking out the words and figures, "Travel 1,684.50" and inserting in place thereof, Travel 1,240.00. Further amend said paragraph by striking out the words and figures, "Total \$64,094.19" and inserting in place thereof, Total \$63,649.69.

Further amend said appropriation For personnel department by striking out the words and figures, "Total for personnel department \$64,094.19" and inserting in place thereof, Total for personnel department \$63,649.69.

The Committee reduced Travel by \$444.50 of State funds, leaving a total for Travel of \$1,240.00.

On a *viva voce* vote, the committee amendment was adopted.

Senator Humphreys explained the committee amendments:

*Public Welfare:*

Amend the bill in the appropriation For public welfare, in the paragraph, Administration, by striking out said paragraph and inserting in place thereof the following:

Administration:

Personal services:

Permanent *	\$200,222.52	
Other	5,425.00	\$205,647.52
Current expenses		41,607.00
Travel		6,500.00
Equipment		6,745.25

Other expenditures:

Personnel department (merit system)	3,000.00
Employees retirement	22,035.00
OASI	22,094.00
Educational leave	3,000.00
Physical examination for applicants	500.00

Total	\$311,128.77**
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\* This amount includes \$3,000.00 to be paid to the department of the attorney general for legal services.

\*\* This appropriation includes an amount of \$6,596.26 (\$6,036.26 for personal services-permanent; \$200.00 for Current expenses, and \$360.00 for equipment) transferred from the division of state services.

Further amend the appropriation For public welfare, in the paragraph, State services, by striking out said paragraph.

Further amend the appropriation For public welfare, in the paragraph, Field services, by striking out said paragraph and inserting in place thereof the following:

Field services:

Personal services:

Permanent *	\$418,820.66	
Other	9,585.00	\$428,405.66
Current expenses		45,896.00
Travel		20,650.00

Equipment	6,270.00
Total	\$501,221.66
Less transfer from salary adjustment fund**	17,234.86
Net appropriation	\$483,986.80

\* This appropriation includes an amount of \$7,730.06 for the salary of an Attorney III, salary grade 26, 2nd step (\$7,670.00 plus \$60.06 longevity). The Attorney I now in service in the Manchester district welfare office shall be the Attorney III. Any salary increase voted at the 1961 session of the Legislature shall not apply to this person or position.

\*\* For the fiscal year ending June 30, 1962 there shall be transferred to the department of public welfare the sum of \$17,234.86 from the special salary adjustment fund for said department, provided however, that in the event the state does not accept the provisions of an act relative to medical aid for the aged at the 1961 session of the legislature the following positions in the department shall be abolished, namely, one caseworker in each of the following district offices, Concord, Woodsville, Nashua and Portsmouth, and one clerical position in the Manchester district office. If such positions are abolished the above amounts appropriated for the salaries of said positions shall be eliminated.

Further amend the bill in the appropriation For public welfare, by striking out at the end thereof, the words and figures, "Total for public welfare \$3,029,709.86" and inserting in place thereof, Total for public welfare \$3,029,339.88. Further amend by striking out the words and figures, "Net appropriation \$2,128,953.13. Notwithstanding the provisions of any other statute to the contrary, no new positions shall be established within the Department of Public Welfare during the fiscal year ending June 30, 1962.

The first amendment merely consolidates the Division of State Services with the Division of Administration. The Department is in accord with this consolidation as it was keeping a separate set of accounts for a Division with only 2 persons. Originally this Division had other personnel but through a change in Federal regulations all Child Welfare Personnel were drawn together in the Division of that name, leaving only the two before-mentioned in the State services Division.

In the second amendment, in the Division of Field services, the Attorney in the Manchester District Welfare office was given a salary increase by the House. The Finance Committee considered this fact and decreased the amount by \$369.98 or in effect set his salary as an Attorney III at \$7,730.06 and footnoted this to say that the position *would not* be entitled to any salary increase under House Bill No. 46, providing increases for State personnel.

The Committee also reinstated five positions (4 Case-workers and 1 Clerical worker) in the total amount of \$17,234.-86, chargeable against the special salary adjustment fund set aside in this Department. It also added a provision that these 5 positions should be abolished in the event SB 119 calling for medical aid to the Aged failed to be enacted by the Legislature. The Department was in accord with this provision.

The Committee further footnoted the budget for Public Welfare by restricting personnel to the present number of employees for the next two years. (The Governor cut 38 positions from this budget, with the amendments adopted by the House and now by the Finance Committee all 38 have been restored — in view of this the Committee was of the opinion that the department would have sufficient staff to accomplish its work without any additional.)

On a *viva voce* vote, the committee amendments were adopted.

The President recognized Senator Gardner: "Mr. President, in response to the question as to why the positions deleted in the recommendations by the Governor — I would like to state that the Commissioner was able to convince the House Appropriations Committee that reduced caseloads were due to efficient service by case workers and that reduction in personnel could only mean an increase in caseloads. All but five positions were restored by the Appropriations Committee. Mr. Barry appeared before the Senate Finance Committee, requesting these five positions restored contingent upon the passage of SB 119, providing medical care for persons not on relief whose incomes were \$1200.00 or less. I also wish to state that if this bill had not been introduced, the State Board of Public Welfare, upon recommendation of the Commissioner, would have abolished several positions when submitting the budget for the Public Welfare Department."

Senator Humphreys explained the committee amendment.

*Secretary of State:*

Amend the bill in the appropriation For Secretary of State, in the paragraph, Office of the secretary, by striking out the figure, "\$49,063.48" denoting the total for personal services, and inserting in place thereof, \$51,810.64.

Further amend said appropriation For Secretary of State, in the paragraph, Commercial code division; by striking out the same and inserting in place thereof the following:

Commercial code division:

Personal services:

Permanent	\$2,747.16
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Current expenses	2,100.00
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Total	4,847.16
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Further amend said appropriation For secretary of state by striking out at the end thereof, the words and figures, "Total for secretary of state \$103,592.62" and inserting in place thereof, Total for secretary of state \$98,972.62.

Commercial Code Division. An amount of \$4,620.00 has been deleted in the Equipment item as this money has all ready been appropriated in a separate bill and much of the equipment is now in the State Department.

On a *viva voce* vote, the committee amendment was adopted.

Senator Humphreys explained the committee amendment.

*State Library:*

Amend the bill in the appropriation For State Library, in the paragraph, Administration, by striking out the words and figures, "Permanent 113,596.85" and inserting in place thereof, Permanent 116,121.97\*. Further amend said paragraph by striking out the figure \$138,671.01 denoting the total for personal services, and inserting in place thereof the figure, \$141,196.13. Further amend said paragraph by striking out at the end thereof, the words and figures, "Total \$176,172.01," and inserting in place thereof, Total \$178,697.13. Further amend said paragraph by adding at the end thereof the following footnote:

\* Of this amount, \$2,525.12 shall be for the salary of one Library Aide. No part of this salary shall be used or transferred for any other purpose.

Further amend said appropriation For state library, by striking out at the end of the appropriation, the words and figures, "Total for state library \$202,664.01" and inserting in place thereof, Total for state library \$205,189.13.



One (1) new position has been added to this budget. This will answer a long-standing need at the Library for a person to recondition and clean the thousands of volumes in the State Library. There is a continuing need for such a position and it has been requested for several bienniums by the State Librarian.

On a *viva voce* vote, the committee amendments were adopted.

Senator Humphreys explained the committee amendments.

*Laconia State School:*

Amend the bill in the appropriation For Laconia State School, in the paragraph, Administration: by striking out the words and figures, "Permanent 50,658.21" and inserting in place thereof, Permanent 53,405.37. Further amend said paragraph by striking out the figure \$74,251.45 denoting the total for personal services and inserting in place thereof, \$76,998.61. Further amend said paragraph by inserting after the words and figures, Equipment 2,400.00, the words and figures; Other expenditures: Rehabilitating and furnishing cottage \* 2,000.00. Further amend said paragraph by striking out the words and figures, "Total \$82,256.45" and inserting in place thereof, Total \$87,003.61. Further amend said paragraph by adding at the end thereof the following footnote:

\* The amount of two thousand dollars is hereby appropriated for the purpose of rehabilitating and furnishing the cottage for the deputy superintendent at Laconia state school. No part of this appropriation shall be transferred to any other account or used for any other purpose.

Further amend the appropriation For Laconia state school, in the paragraph, Custodial care, by striking out the words and figures, "Current expenses \* 256,547.00" and inserting in place thereof, Current expenses \* 266,547.00. Further amend said paragraph by striking out the words and figures, "Total 422,-832.96" and inserting in place thereof, Total 432,832.96.

Further amend said appropriation For Laconia state school, in the paragraph, Agriculture, by striking out the words and figures, "Current expenses 44,325.00" and inserting in place thereof, Current expenses 46,825.00. Further amend said paragraph by striking out the words and figures, "Total \$106,117.63"

and inserting in place thereof, Total \$108,617.63. Further amend said paragraph by striking out the words and figures, "Lest estimated revenue 4,500.00" and inserting in place thereof, Less estimated revenue 7,000.00.

Further amend the appropriation For Laconia state school by striking out at the end thereof, the words and figures, "Total for Laconia state school, \$1,524,872.35" and inserting in place thereof, Total for Laconia state school \$1,539,619.51. Further amend by striking out the words and figures, "Net appropriation \$1,509,872.35" and inserting in place thereof, Net appropriation \$1,524,619.51.

The first amendment under the Division of Administration is to provide for a switchboard operator, thus freeing the Clerk Typist for clerical work as is the intent of the position.

The amendment appropriating \$2000. for rehabilitating and furnishing the cottage for the Deputy is, I believe self-explanatory. At last the school has secured the services of a Deputy and this position carries with the salary, full maintenance. The cottage planned for this person is badly in need of attention and at present is very sparsely furnished.

The amendment in the Division for Custodial Care restores an amount of \$10,000.00 cut out by The House in the item of Food. The Superintendent made an urgent plea for the restoration of this item as the School Trustees had originally approved a request far below the appropriation in 1960 and 1961, and any further reduction coupled with the increase in population upon which the budget is based would result according to the authorities of a deficit in food money.

The next amendment is in the Division of Agriculture, where the School authorities require an addition of \$2,500. for money to buy food for the pigs — it is estimated that this will increase the revenue by the same amount and thus no increase is made in the net appropriation.

On a *viva voce* vote, the committee amendments were adopted.

Senator Humphreys explained the committee amendments.

*Prison Industries:*

Amend the bill in the appropriation For Prison Industries, by striking out said appropriation and inserting in place thereof the following:

## For prison industries:

## Personal services:

Permanent	\$71,632.48	
Other	9,848.00	\$81,480.48
Current expenses		150,000.00
Travel		450.00
Equipment		2,750.00
Total		\$234,680.48
Less estimated revenue and credits*	234,680.48	
Net appropriation		0.00

\* Any revenue in excess of \$235,000.00 shall be available for such further expenditure for said purposes as the governor and council shall approve.

In view of the increased production of the several industries at the Prison, overtime is required of certain personnel other than inmates, thus the item of Personal Services — Other has been increased by \$2,000. Again due to the increased production the Warden requested that the item of Current expenses be increased by \$13,000. to permit the purchase of raw materials and supplies. Travel has been increased by \$195.00, this is necessary to allow the Industries' truck to pick-up and deliver furniture which it is refinishing for the University of N. H. The Equipment item has been increased to permit the purchase of a new truck (actually a replacement of one now in use). This truck is used for all deliveries from the Industries to various points, particularly the State House Annex, in the delivery of number plates. The truck is old and repair costs are high.

Estimated revenue has been increased to offset the increased costs.

On a *viva voce* vote, the committee amendments were adopted.

Senator Humphreys explained the committee amendment.

*State Hospital:*

Amend the bill in the appropriation For state hospital, in the paragraph, Administration:, by striking out said paragraph and inserting in place thereof the following:

## Administration:

Salary of		
superintendent	\$14,896.00	
Salary of assistant		
superintendent	11,610.00	
Other personal services:		
Permanent	114,689.42*	
Other	5,400.00	\$146,595.42
Current expenses		46,000.00
Travel		1,400.00
Equipment		1,500.00
Total		\$195,495.42

\* In this appropriation \$7,350.20 shall be for the salary of one business administrator II, and \$5,195.16 shall be for the salaries of two clerk typists I.

Further amend the appropriation For state hospital by striking out at the end thereof the words and figures, "Total for state hospital \$4,694,581.32" and inserting in place thereof, Total for state hospital \$4,702,245.32. Further amend by striking out the words and figures, "Net appropriation \$4,626,581.32" and inserting in place thereof, Net appropriation \$4,634,245.32.

The only amendment in the entire hospital budget occurs in the Administrative Division. The Finance Committee has by amendment deleted a NEW position of Assistant Superintendent in charge of business administration inserted by the House and restored the 3 positions originally deleted, namely, a position of Business Administrator III, Business Administrator II, and a Treasurer. It is the understanding of the Committee that the position of Business Administrator III is now vacant the incumbent having resigned recently. The Business Administrator II has ten or more years of service and the Treasurer is a long term State Employee with approximately 28 years of service. Since these positions were recommended by a recent survey as being essential it was the consensus of the Committee that they should be restored.

On a *viva voce* vote, the committee amendment was adopted.

Senator Humphreys explained the committee amendments:

*State Prison:*

Amend the bill in the appropriation For State Prison, in the paragraph, Custodial care, by striking out the words and figures, "Custody of certain inmates \*\*\* 2,600.00" and inserting in place thereof, Custody of certain inmates \*\*\* 3,000.00. Further amend said paragraph by striking out at the end thereof the words and figures, "Total 322,153.42" and inserting in place thereof, Total 322,553.42.

Further amend the appropriation For state prison, in the paragraph, Parole, by striking out the words and figures, "Equipment 1,583.00" and inserting in place thereof, Equipment 2,083.00. Further amend said paragraph by striking out at the end thereof the words and figures, "Total 29,606.70" and inserting in place thereof, Total 30,106.70.

Further amend the appropriation For state prison by striking out at the end of the appropriation the words and figures, "Total for state prison \$429,621.18" and inserting in place thereof, Total for state prison \$430,521.18. Further amend said appropriation by striking out the words and figures, "Net appropriation \$427,459.52" and inserting in place thereof, Net appropriation \$428,359.52.

The first amendment in the budget For the Prison is in the Custodial care Division, the item of "Custody of certain inmates has been increased by \$400.00 to cover the increased cost of board in Out-Of-State institutions.

The second item is in the Parole Division, to permit the purchase of a car where there is no trade-in — \$500. has been added to \$1450. requested.

On a *viva voce* vote, the committee amendments were adopted.

Senator Humphreys explained the committee amendments.

*University of New Hampshire:*

Amend the bill in the appropriation For University of New Hampshire by striking out the words and figures, "University of New Hampshire fund \$3,927,234.11" and inserting in place thereof, University of New Hampshire fund \$3,852,234.11.

Further amend said paragraph by striking out the words and figures, "Total \$4,019,634.11" and inserting in place thereof, Total \$3,944,634.11.

The University of New Hampshire Fund has been reduced by \$75,000. in each year.

Senator Dunnington spoke against the committee's amendment in relation to the appropriation For University of New Hampshire which reduced the appropriation by seventy-five thousand dollars for each year and urged that the amendment be defeated. The question being on the adoption of the committee's amendment. On this question Senator Caron requested a division vote. Fifteen senators having voted in the negative and three senators having voted in the affirmative, the negative prevailed and the committee's amendment was not adopted.

Senator Dunnington offered an amendment to the committee amendment restoring the \$75,000 for each year which had been deleted by the committee amendment from the Univ. of N. H. budget.

(Discussion ensued)

Question being on the adoption of the amendment to the amendment. On this question, Senator Caron requested a Division vote.

Fifteen Senators having voted in the affirmative, and three Senators having voted in the negative, the affirmative prevailed, and the amendment was adopted.

Senator Gardner: "I am not voting contrary to what we voted in committee."

Senator Humphreys explained the committee amendments:

*Board of Education:*

Amend the bill in the appropriation For Board of Education, in the paragraph, Administration, by striking out the words and figures, "Permanent 117,637.60" and inserting in place thereof, Permanent 127,410.56. Further amend said paragraph by striking out the figure \$143,692.94 denoting the total of personal services, and inserting in place thereof the figure, \$153,465.90. Further amend said paragraph by striking out the words and figures, "Total 10,900.00" and inserting in place

thereof, Travel 10,000.00. Further amend said paragraph by striking out the words and figures, "Conferences, workshops, committee meetings 500.00". Further amend by striking out the words and figures, Total \$174,752.94" and inserting in place thereof, Total \$183,125.90.

Further amend the appropriation For board of education, in the paragraph, Keene teachers' college, sub-paragraph, Administration: , by striking out the words and figures, "Permanent 25,370.60" and inserting in place thereof, Permanent \*\* 32,584.60. Further amend said sub-paragraph by striking out the words and figures, "Other \*\* 9,514.00" and inserting in place thereof, Other 2,300.00.

Further amend the appropriation For board of education, in the paragraph Plymouth teachers' college, in the sub-paragraph, administration:, by striking out the words and figures, "Permanent 26,243.00" and inserting in place thereof, Permanent \*\* 33,507.76. Further amend said sub-paragraph by striking out the words and figures, "Other \*\* 10,264.76" and inserting in place thereof, Other 3,000.00.

Further amend the paragraph, Plymouth teachers' college, in the sub-paragraph, Custodial care, by striking out the words and figures, "Current expenses 85,000.00" and inserting in place thereof, Current expenses 87,000.00. Further amend said sub-paragraph by striking out the words and figures, "Total 190,-035.32" and inserting in place thereof, Total 192,035.32.

Further amend the paragraph, Plymouth teachers' college, in the sub-paragraph, Operation and maintenance of plant: by striking out the words and figures, "Permanent \$53,330.71" and inserting in place thereof, Permanent \$55,855.83.

Further amend said sub-paragraph by striking out the figure, "\$57,330.71" denoting the total for personal services and inserting in place thereof, \$59,855.83. Further amend said sub-paragraph by striking out the words and figures, "Total 128,-325.71" and inserting in place thereof, Total 130,850.83.

Further amend the paragraph, Plymouth teachers' college, by striking out at the end thereof the words and figures, "Total for Plymouth teachers' college \$793,210.79" and inserting in place thereof, Total for Plymouth teachers' college \$797,735.91. Further amend by striking out the words and figures, "Net ap-



propriation \$308,287.04" and inserting in place thereof, Net appropriation \$312,812.16.

Further amend the appropriation For board of education, by striking out at the end thereof, the words and figures, "Total for board of education \$4,735,349.05" and inserting in place thereof, Total for board of education \$4,748,247.13. Further amend by striking out the words and figures, "Net appropriation \$4,074,080.85" and inserting in place thereof, Net appropriation \$4,086,978.93.

The first amendment in this Department is in the Administrative Office. One position of long standing, inadvertently omitted by the House has been restored and another position deleted by the House where the incumbent has some 25 years of service has also been restored. Travel has been reduced by \$900. it being the feeling that travel required in the Concord office of the Technical Schools could be absorbed within the amount of \$10,000 being allowed under Administration. The item under Other expenditures: of Conferences, workshops and Committee meetings in the amount of \$500. has been deleted.

*Keene teachers college:*

Administration: The amendment here transfers the position of Business Administrator II into the category of Permanent positions. It is currently a permanent position with accruing benefits and was made temporary by action of the House. It was the belief of the Finance Committee that the position be continued and continued on its present basis.

*Plymouth teachers college:*

Administration: The amendment here makes the Business Administrator II at Plymouth a continuing permanent position rather than putting it on a temporary basis as would have resulted in the action of the House.

The second amendment concerning Plymouth Teachers' College is in the Custodial Care Division and reflects an increase in the Food Budget of \$2,000. It was explained that this was an essential increase due to planned increased enrollment and the fact that Summer School will be held at Plymouth this year.

The amendment under the Division of Operation and maintenance of plant, is to cover one new Laborer position to

supplement the maintenance staff. This was on the list of priority requests and deemed necessary by the Committee.

On a *viva voce* vote, the first eight amendments offered by the Committee were adopted.

Senator Eaton offered the following amendment, which was adopted:

Amend said bill by inserting after section 12 thereof the following new section:

13. Teachers Colleges. There is hereby appropriated in addition to any sum hereinabove appropriated for the board of education for the purposes of instruction at Keene and Plymouth teachers colleges the sum of \$50,000. Said sum shall be apportioned between Keene teachers college and Plymouth teachers college only for use in said institutions to increase the salaries of the professional teaching staffs of said institutions and the state board of education, with the advice and consent of the presidents of said institutions, is hereby authorized, empowered and directed to make such apportionment. The governor is hereby authorized to draw his warrant for said sum from any funds in the treasury not otherwise appropriated.

Further amend said bill by renumbering section 13 thereof to read section 14.

Senator Humphreys offered the following amendment to the amendment which was adopted:

Amend the amendment by striking out the section numbered 13 therein and inserting in place thereof the following:

13. Teachers Colleges. There is hereby appropriated in addition to any sum hereinabove appropriated for the board of education for the purposes of instruction at Keene and Plymouth teachers colleges and the two New Hampshire technical institutes the sum of \$50,000. Said sum shall be divided \$20,000 for Keene teachers college, \$20,000 for Plymouth teachers college, \$5,000 for New Hampshire technical institute at Portsmouth and \$5,000 for New Hampshire technical institute at Manchester and shall be expended in said four institutions only for increases in the salaries of the professional teaching staffs thereof as directed by the state board of education, on the advice and consent of the presidents or principals of said

institutions. The governor is hereby authorized to draw his warrants for said sums from any funds in the treasury not otherwise appropriated.

On a *viva voce* vote, the amendment to the committee amendment was adopted.

Senator Bergeron offered the following amendment which was defeated by a Roll Call vote of ten in the affirmative and twelve in the negative:

### Roll Call

The following named Senators voted in the affirmative: Senators Drake, Phillips, Eaton, Bunten, Caron, Provost, Daniel, Bergeron, Battles and Humphreys.

The following named Senators voted in the negative: Senator Lamontagne, McMeekin, Sawyer, Monahan, Gardner, Cleveland, Dunlap, English, Holmes, Paquette, Dunnington and Buckley.

That it be mandatory that the University of New Hampshire be required to submit a line by line budget.

Senator Battles offered the following amendment which was adopted by a Division vote of twelve in the affirmative and seven in the negative:

That it be mandatory that the University of New Hampshire use the funds provided for teachers' salaries to be used for that purpose and no other.

Senator Humphreys explained the committee amendment.

### *Board of Probation:*

Amend the bill in the appropriation For board of probation, by striking out said appropriation and the footnote pertaining thereto, and inserting in place thereof the following:

For board of probation:

Salary of director	\$7,951.17
Other personal services:	
Permanent *	171,360.79
Other **	2,000.20
	\$181,312.16
Current expenses	14,000.00
Travel	16,600.00
Equipment	1,422.00

Total for probation	\$213,334.16
Less refund	5,606.64
Net appropriation	\$207,727.52

\* Of this amount \$5,055.12 shall be for the salary of one financial agent II (salary grade 17, 2nd step) who in the absence of the director of probation shall act in his stead with full powers of the director. The financial agent I now in service in the department shall be the financial agent II. Any salary increase authorized by the 1981 legislature for salary grade 17 shall apply to this position. Notwithstanding the provisions of any other statute to the contrary, the position of assistant director of probation shall not be filled during the fiscal year ending June 30, 1982.

\*\* In this appropriation \$1,800.00 shall be for the salary of a woman probation officer. This position is to receive a salary increase proportionate with that granted all classified employees in labor grade 18 (law enforcement). Funds necessary to grant this increase shall be drawn from the same source as all other increases so voted.

Due to the changes in this appropriation the paragraph was stricken out and a new one inserted. This reflects a reduction in salary of the recently appointed director in comparison to that of the retired director who was at the top of the salary range with some longevity.

Permanent personal services have been increased to allow for the increase in salary of the Financial Agent as provided in the footnote. The footnote itself provides for one staff member to have authority in the absence of the director, and restricts the Department from filling a currently vacant position of Assistant Director. It was the feeling of the Committee that the recently appointed director be allowed to accustom himself to his responsibilities as Director, and the new Board Member have an opportunity to become completely familiar with the requirements of the Department before appointing a new Assistant Director.

Amend the bill in the appropriation For board of probation, by striking out said appropriation and the footnote pertaining thereto, and inserting in place thereof the following:

For board of probation:

Salary of director	\$7,951.17
Other personal services:	
Permanent*	171,360.79
Other**	2,000.20
	—————\$181,312.16
Current expenses	14,000.00
Travel	16,600.00

Equipment	1,422.00
Total for probation	\$213,334.16
Less refund	5,606.64
Net appropriation	\$207,727.52

\*Of this amount \$5,055.12 shall be for the salary of one financial agent II (salary grade 17, 2nd step) who in the absence of the director of probation shall act in his stead with full powers of the director. The financial agent I now in service in the department shall be the financial agent II. Any salary increase authorized by the 1961 legislature for salary grade 17 shall apply to this position. Notwithstanding the provisions of any other statute to the contrary, the position of assistant director of probation shall not be filled during the fiscal year ending June 30, 1962.

\*\*In this appropriation \$1,800.00 shall be for the salary of a woman probation officer. This position is to receive a salary increase proportionate with that granted all classified employees in labor grade 16 (law enforcement). Funds necessary to grant this increase shall be drawn from the same source as all other increases so voted.

Senator Monahan offered the following amendment which was adopted:

Amend the committee's amendment relative to the appropriation for Board of Probation by striking out the footnote therein designated by a single asterisk.

On a *viva voce* vote, the committee amendment as amended was adopted.

Senator Humphreys explained the committee amendment:

#### *Water Resources Board:*

Amend the bill in the appropriation For Water Resources Board, by striking out the words and figures, "Current expenses 2,164.50" and inserting in place thereof, Current expenses 2,459.75.

Further amend said appropriation in the paragraph, Merri-mack valley flood control commission: by striking out the words

and figures, "State's contribution to commission 6,000.00" and inserting in place thereof, State's contribution to commission 4,000.00. Further amend said paragraph by striking out the words and figures, "Total 7,000.00" and inserting in place thereof 5,000.00.

Further amend said appropriation For water resources board, by striking out "Total for water resources board \$113,413.32" and inserting in place thereof, Total for water resources board \$111,708.57. Further amend said appropriation by striking out the words and figures, "Net appropriation \$89,745.85" and inserting in place thereof, Net appropriation \$88,041.10.

Further amend said appropriation For water resources board by striking out the footnote relating to dams in disrepair and inserting in place thereof the following:

\* \* The funds in this appropriation shall not lapse but shall be available for expenditure in the following year. Expenditures of these funds shall be subject to approval of the governor and council.

The first amendment in this Board adds \$295.25 to the Current expense item. This addition is to permit the Board to purchase duplicating supplies primarily. In this office there is only one female worker and this addition in each year of the biennium will defer the necessity for another person.

The second amendment reduces the State's contribution to the Merrimack Valley flood control commission — This reduction was made at the suggestion of the Chairman who stated that the \$4000.00 would be sufficient. After hearing testimony from the Chairman of the Board it was the opinion of the Committee that the item of "Dams in disrepair (construction)\*\* in the amount of \$10,000. should be a non-lapsing appropriation.

On a *viva voce* vote, the committee amendments were adopted.

Senator Humphreys explained the committee amendment:

*Aeronautics Commission:*

Amend the bill in the appropriation For Aeronautics Commission, in the paragraph, Administration:, by striking out the

words and figures, "Travel 2,400.00" and inserting in place thereof, Travel 2,200.00. Further amend said paragraph by striking out the words and figures, "Total \$33,635.41" and inserting in place thereof, Total \$33,435.40. Further amend said paragraph by striking out the words and figures, "Net appropriation \$26,146.32, and inserting in place thereof, Net appropriation \$25,946.32.

Further amend said appropriation For aeronautics commission by striking out at the end thereof, the words and figures, "Total for aeronautics commission \$26,146.32" and inserting in place thereof, Total for aeronautics commission \$25,946.32.

The only amendment in this budget reduces the item of Travel by \$200.00.

On a *viva voce* vote, the committee amendment was adopted.

Senator Humphreys explained the committee amendment.

*Bank Commissioner:*

Amend the bill in the appropriation For Bank Commissioner by striking out said appropriation and inserting in place thereof the following:

For bank commissioner:

Salary of commissioner	\$12,192.00	
Salary of deputy commissioner	9,585.16	
Salary of assistant commissioner	9,210.24	
Other personal services:		
Permanent	90,476.51	
Other	5,000.00	\$126,463.91
Current expenses		12,200.00
Travel		19,450.00
Equipment		2,485.00
Other expenditures:		
Retirement and oasi		7,812.43
Total for bank commissioner		\$168,411.34
Less revenue *		156,219.34
Net appropriation		\$12,192.00



This budget has been amended to restore it to the Governor's recommended figure. Testimony given showed that there are now existing positions which are vacant due to the salary scale for this type of personnel, thus the Finance committee did not go along with the House in adding more new positions.

Senator Dunlap offered the following amendment to the committee amendment which was adopted by a Roll Call vote of fourteen in the affirmative and eight in the negative:

Amend the amendment of the committee in relation to the appropriation For Bank Commissioner by striking out the same and inserting in place thereof the following:

For bank commissioner:

Salary of commissioner	\$12,192.00
Salary of deputy commissioner	9,585.16
Salary of assistant commissioner	9,210.24
Other personal services:	
Permanent	113,944.11
Other	6,284.00
	<hr/> \$151,215.51
Current expenses	24,065.00
Travel	27,250.00
Equipment	3,165.00
Other expenditures:	
Retirement and cost	7,612.43
Total for bank commissioner	215,507.94
Less revenue	203,315.94
	<hr/>
Net appropriation	\$12,192.00

(Discussion ensued)

Senator Battles requested a Division vote which was twelve Senators voting in the affirmative, and seven Senators voting in the negative.

Senator Cleveland demanded a Roll Call.

The Clerk proceeded to call the Roll.

#### Roll Call

The following named Senators voted in the affirmative: Senators Drake, McMeekin, Sawyer, Monahan, Gardner, Cleve-

land, Phillips, Dunlap, Eaton, English, Holmes, Paquette, Buntten, and Bergeron.

The following named Senators voted in the negative: Senators Lamontagne, Caron, Provost, Daniel, Dunnington, Buckley, Battles and Humphreys.

Fourteen Senators having voted in the affirmative, and eight Senators having voted in the negative, the amendment was adopted.

Senator McMeekin presiding.

Senator Humphreys explained the committee amendment.

*Liquor Commission:*

Amend the bill in the appropriation For Liquor Commission, in the paragraph, Stores operation, by inserting after the words, Other expenditures, the words and figures, Police protection \* 15,000.00. Further amend said paragraph by striking out at the end thereof, the words and figures, "Total \$1,196,729.59" and inserting in place thereof, Total \$1,211,729.59. Further amend said paragraph by adding the following footnote:

\* The amount of \$15,000.00 is hereby appropriated for the purpose of providing police protection by uniformed police officers for liquor stores' personnel assigned to transport state funds to and from banks in whatever place in the discretion of the state liquor commission such police protection is necessary. No part of this amount shall be used for any other purpose.

Further amend said appropriation For liquor commission by striking out at the end of the appropriation, the words and figures, "Total for liquor commission \$1,642,235.64" and inserting in place thereof, Total for liquor commission \$1,657,235.64. Further amend by striking out the words and figures, "Less revenue 1,642,235.64" and inserting in place thereof, Less revenue 1,657,235.64.

The only amendment to this budget is in the Division of Stores operation, where a lump sum of \$15,000. has been provided for police protection to employees required to transport state funds to and from banks. The Department requested a

sum of \$25,000. explaining that sums so transported are substantial and the personal safety of the employees is in jeopardy.

On this question, Senator Battles demanded a Roll Call.

The Clerk proceeded to call the Roll.

### Roll Call

The following named Senators voted in the affirmative: Senators Lamontagne, Gardner, Dunlap, Holmes, Paquette, Green, Caron, Daniel, Dunnington, Buckley and Battles.

The following named Senators voted in the negative: Senators, Drake, McMeekin, Sawyer, Monahan, Cleveland, Phillips, Eaton, English, Buntin, Provost, Bergeron, and Humphreys.

Eleven Senators having voted in the affirmative, and twelve Senators having voted in the negative, the amendment offered by the committee was not adopted.

Senator Humphreys explained the committee amendments:

### *Planning and Development:*

Amend the bill in the appropriation For planning and development commission, by striking out said appropriation and the footnotes thereto and inserting in place thereof the following:

For planning and development commission:

Salary of executive		
director *	\$9,947.20	
Other personal services:		
Permanent	159,019.91	
Other	12,307.28	\$181,274.39
Current expenses		168,350.00
Travel		16,000.00
Equipment		1,742.50
Other expenditures:		
Regional associations **		27,000.00
Montreal office		10,000.00
New York office		10,000.00
Economic growth survey		6,250.00
Promotion, planning and		
advertising †		100,000.00
Total		\$520,616.89

\* No amount shall be paid to an executive director of the planning and development commission during the biennium ending June 30, 1963, unless said executive director has been appointed to such position by the governor with the approval of the council from among those nominated by the commission.

\*\* This appropriation shall be administered by the state planning and development commission for the aid of the regional development associations. Not more than \$4,500.00 may be allotted by the commission to any one regional association whose bounds, form of organization and program shall have first been approved by the commission. Any unexpended portion of this appropriation shall not be transferred to any other state appropriation, but shall lapse.

† No expenditure shall be made from this appropriation without prior approval by the governor and council.

Geology booklets	\$1,500.00	
Less revenue and balance †	1,500.00	
Net appropriation		0.00

‡ Any revenue and balance in excess of \$1,500.00 shall be available for such further expenditure for said purposes as the governor shall approve.

Vacation bulletin	\$1,000.00	
Less revenue and balance ¶	1,000.00	
Net appropriation		0.00

¶ Any revenue and balance in excess of \$1,000.00 shall be available for such further expenditure for said purposes as the governor shall approve.

#### Port authority:

##### Personal services:

Permanent §	\$9,657.18	
Other—Harbor Masters	3,500.00	\$13,157.18
Other expenditures:		

Expenses of the Authority	5,342.82	
Total		18,500.00

§ Included in this amount is \$6,910.02 for one Senior industrial agent, and \$2,747.16 for one clerk stenographer II.

#### Urban planning assistance:

##### Personal services:

Other	\$52,000.00	
Current expenses	5,000.00	
Travel	5,000.00	
Total	\$62,000.00	
Less revenue *	62,000.00	
Net appropriation		0.00
Total for planning and development commission		\$539,116.89

\* Any revenue and balance in excess of this estimate shall be available for such further expenditure for said purposes as the governor shall approve.

This appropriation was extensively amended, so much so that it seemed clearer to strike out the appropriation and insert a new one. The amendments reflect a reduction in the item of Current expense in the amount of \$6,000.00 which is offset by an addition to the item of Regional associations in the same amount.

The item of \$8,000.00 for Eastern States exposition has been deleted and is covered in Section 12 of the bill to come from the Race Track receipts.

The item of Economic growth survey has been restored to the original request after evidence substantiating the need for this amount was presented.

The item of Promotion, planning and advertising has been increased from the House figure of \$75,000.00 to an amount of \$100,000.00 per year.

*Port authority:* The Port Authority appropriation has been set at \$18,500 per year which will adequately provide for the anticipated needs as the Authority increases its projects.

The amount for Harbor Masters has been increased by \$500.00, this covers 3 or 4 persons and allows for a slight increase in their fees.

*Urban Planning:* Since this is a Federal-Municipal program, the \$2000.00 appropriation has been deleted. It is the belief that the State makes a substantial contribution to this effort in the use of the Department's permanent staff. The footnote concerning this has been revised to conform to this deletion of \$2,000.00.

On a *viva voce* vote, the committee amendments were adopted.

Senator Humphreys explained the committee amendments.

*Public Utilities Commission:*

Amend the bill in the appropriation For Public Utilities Commission, in the paragraph, Office of the commission, by striking out the words and figures, "Permanent 75,061.45" and inserting in place thereof, Permanent 78,312.75. Further amend by striking out the figure \$109,380.69 denoting the total for

personal services, and inserting in place thereof, \$112,631.99. Further amend said paragraph by striking out the words and figures, "Equipment 140.00" and inserting in place thereof, Equipment 660.00. Further amend by striking out the words and figures, "Total \$117,710.69" and inserting in place thereof, Total \$121,481.99.

Further amend the appropriation For public utilities commission, in the paragraph Motor boat registration: by striking out the words and figures, "Other 50,000.00" and inserting in place thereof, Other \*\* 50,000.00. Further amend said paragraph by adding at the end thereof the following footnote:

\*\* Included in this amount is a sum of \$2,000.00 for the purpose of hiring temporary clerical assistants.

Further amend the appropriation For public utilities commission by striking out at the end thereof, the words and figures, "Total for public utilities commission \$117,710.69" and inserting in place thereof, Total for public utilities commission \$121,481.99.

The Committee has recommended two amendments to this budget, both in the Office of the commission, the first restores a long term employee position and the second adds an amount of \$520.00 to the item of equipment to permit the Department to replace a very old calculator. In fact this machine is now out of order and the department has been advised that it would cost well over \$100. to repair it with no assurance that it would run for any length of time. The machine in question is a 1937 model.

On a *viva voce* vote, the committee amendments were adopted.

Senator Humphreys explained the committee amendment.

#### *Racing Commission:*

Amend the bill in the appropriation For Racing Commission, in the paragraph, Thoroughbred racing, by striking out the words and figures, "Permanent 19,629.84" and inserting in place thereof, Permanent 16,882.68. Further amend said paragraph by striking out the figure \$54,580.35 denoting the total for personal services and inserting in place thereof, \$51,833.19. Further amend said paragraph by striking out the words and figures, "Total \$63,150.35" and inserting in place thereof, Total

\$60,403.19. Further amend said paragraph by striking out the words and figures, "Less revenue 63,150.35 and inserting in place thereof, Less revenue 60,403.19.

Further amend the appropriation For racing commission, in the paragraph, Harness racing, by striking out the words and figures, "Equipment 300.00" and inserting in place thereof, Equipment 1,450.00. Further amend said paragraph by striking out the words and figures, "Total \$101,600.26" and inserting in place thereof, Total \$102,750.26. Further amend said paragraph by striking out the words and figures, "Less revenue 101,600.26" and inserting in place thereof, Less revenue 102,750.26.

This Department requested two (2) new positions, a Chemist and a Laboratory Worker. Both new positions were allowed by the House, however, the Senate Finance Committee has deleted the position of Laboratory worker in the belief that the Chemist would be able to absorb the additional work of more racing days and the 2 tracks in operation.

The second amendment is in the harness racing division and adds \$1150.00 to the equipment item. It was the feeling of the Committee that this equipment was assential.

On a *viva voce* vote, the committee amendments were adopted.

Senator Humphreys explained the committee amendments.

#### *Tax Commission:*

Amend the bill in the appropriation For tax commission, in the paragraph, Office of commission: by striking out said paragraph and the footnote pertaining thereto, and inserting in place thereof the following:

#### Office of commission:

Salaries of two		
commissioners	\$17,774.71	
Salary of secretary	11,048.18	
Other personal services:		
Permanent	64,475.69	
Other *	35,577.06	\$128,875.64
Current expenses		12,000.00
Travel		26,700.00
Equipment		7,800.00



Total	\$175,375.64	
Less estimated revenue	46,317.06	
Net appropriation		\$129,058.58

\* In this appropriation \$27,176.68 shall be for the salaries of six temporary property appraisers II; \$7,400.38 shall be for the salaries of two temporary property appraisers I; and \$1,000.00 shall be for Overtime.

Further amend the appropriation For tax commission, in the paragraph, Municipal accounting by striking out the words and figures, "Permanent \$56,804.06" and inserting in place thereof, Permanent \$55,485.65. Further amend by striking out the words and figures, "Other 2,068.59" and inserting in place thereof, Other 750.00. Further amend by striking out the figure "\$58,872.65" denoting the total for personal services and inserting in place thereof the figure, \$56,235.65. Further amend by striking out the words and figures, "Total \$66,272.65" and inserting in place thereof, Total \$63,635.65. Further amend by striking out at the end of said paragraph, the words and figures, "Net appropriation 36,272.65" and inserting in place thereof, Net appropriation 33,635.65.

Further amend appropriation For tax commission, in the paragraph, Intangible tax, by inserting after the words and figures, Permanent \$18,776.26, the words and figures, Other—overtime 400.00. Further amend said paragraph by striking out at the end thereof the words and figures, "Total \$23,968.94" and inserting in place thereof, Total \$24,368.94. Further amend by striking out the words and figures, "Less estimated revenue 23,968.94" and inserting in place thereof, Less estimated revenue 24,368.94.

Further amend the appropriation for tax commission by striking out at the end thereof the words and figures, "Total for tax commission \$358,445.80" and inserting in place thereof, Total for tax commission \$359,168.80.

*Office of Commission:* The amendment here transfers 1 Personal Property Appraiser and 1/2 a Clerk Typist from the temporary category to Permanent Full-time employees with accruing benefits. An amount of \$1,000. has been added to provide for the payment of overtime to the temporary property appraisers to cover work done at night and on Saturdays. Travel has been increased also for the Temporary employees. Since cost for all of the temporary employees and their travel is chargeable back to the towns the item of revenue has been ad-

justed. The footnote has been adjusted to strike out the provisions for the personnel transferred to a Permanent status.

*Municipal Accounting Division:*

The new figure for Personal services has reduced the Municipal Accounts Auditors I by one position and provides the salary for the other 1½ Clerk Typist referred to under Administration.

*Intangibles Tax Division:* The amendment here provides \$400.00 for overtime of permanent personnel which is a required item and because of new regulations must be shown as a separate item. Since this is a self-sustaining division, revenue has been increased to absorb this additional cost.

On a *viva voce* vote, the committee amendments were adopted.

Senator Humphreys explained the committee amendments.

*Water Pollution Commission: State funds:*

Amend the bill in the appropriation For Water Pollution Commission, in the paragraph, State funds, by striking out the words and figures, "Permanent \$60,804.32" and inserting in place thereof, Permanent \$64,274.54. Further amend said paragraph by striking out the figure \$64,741.82 denoting the total of personal services and inserting in place thereof, \$68,212.04. Further amend said paragraph by striking out at the end of the paragraph, the words and figures, "Total \$82,441.82" and inserting in place thereof, Total \$85,912.04.

Further amend said appropriation for water pollution commission by striking out the words and figures, "State aid to municipalities 143,000.00" and inserting in place thereof, State aid to municipalities 143,000.00. \*\*\*

Further amend said appropriation For water pollution commission, by striking out at the end of the appropriation, the words and figures, "Total for water pollution commission \$228,891.82" and inserting in place thereof, Total for water pollution commission \$232,362.04 \*\*.

Further amend by adding the following footnotes:

\*\* In the event that the Federal Government increases its grant to the State of New Hampshire made available under

Public Law 660, 84th Congress (subsequent amendments thereof, or any other federal legislation) an additional sum of \$143,000.00 or so much of said sum as may be necessary, is hereby appropriated for the purposes of RSA, Chapter 149-B:1 and 149-B:2 (Chapter 267, Laws of 1959). The governor is hereby authorized to draw his warrant for such sums as are required out of funds in the treasury not otherwise appropriated.

\*\*\* No part of this appropriation shall be expended directly or indirectly for any anti-pollution or sewage disposal project that will adversely affect or infringe upon any federal, state, municipal or private property now designated or used for a public park or recreation area or a fish and game preserve or a historical site, except in special circumstances of necessity with the approval of the governor and council.

The amendment here deletes one position of Sanatorium III in the amount of \$4430.14 as approved by the House and sets up two (2) positions which the Commission believes will serve their needs better if not all new positions are to be granted. The two new positions added by the Committee are, 1 Chemist at \$4,020.12 and 1 Sanatorium II at \$3,880.24.

The footnotes added are we believe self-explanatory.

On a *viva voce* vote, the committee amendment was adopted.

Senator Humphreys explained the committee amendment.

#### *Civil Defense:*

Amend the bill in the appropriation For civil defense, by inserting after the item, Travel 750.00, the words and figures, Equipment 1,725.00. Further amend by striking out the words and figures, "Total \$32,691.29" and inserting in place thereof, Total \$34,416.29.

Further amend said appropriation For civil defense, by striking out at the end thereof, the words and figures, "Total for civil defense \$35,991.29" and inserting in place thereof, Total for civil defense \$37,716.29.

The amendment in this budget inserts an item of Equipment in the amount of \$1,725.00 to permit the purchase of one car for the Director's use.

Senator Battles offered the following amendment to the committee amendment which was adopted:

Amend the amendment of the committee in relation to the appropriation For civil defense by inserting after the first paragraph thereof the following new paragraph:

Further amend said appropriation for civil defense by striking out the words and figures "Current expenses 5,700.00 and inserting in place thereof, Current expenses 10,700.00.

Further amend the committee's amendment in relation to appropriation For civil defense by striking out the second paragraph and inserting in place thereof the following: Further amend said appropriation For civil defense, by striking out at the end thereof, the words and figures, "Total for civil defense \$35,991.29" and inserting in place thereof, Total for civil defense \$47,716.29.

Senator Humphreys explained the committee amendment.

*Teachers' retirement system:*

Amend the bill in the appropriation For teachers' retirement system, by striking out the words and figures, "Permanent \$18,304.72" and inserting in place thereof the words and figures, Permanent \$18,797.72. Further amend by striking out the figure \$22,654.72 denoting the total for personal services and inserting in place thereof, \$23,147.72. Further amend by striking out at the end of the appropriation, the words and figures, "Total for teachers' retirement system \$389,322.71" and inserting in place thereof, Total for teachers' retirement system \$389,815.71.

One employee in this Department has been reclassified since the budget was originally printed, and the amendment merely adds an amount to Personal services to pay the current salary.

On a *viva voce* vote, the committee amendment was adopted.

Senator Humphreys explained the committee amendment.

*Fish and Game Department:*

Amend the bill in the appropriation, For fish and game department, in the paragraph, Conservation officers, by striking

out the words and figures, "Current expenses \* 25,000.00" and inserting in place thereof, Current expenses \* 25,730.00. Further amend said paragraph by striking out at the end thereof the words and figures, "Total 345,693.42" and inserting in place thereof, Total 346,423.42.

Further amend the appropriation, For fish and game department, in the paragraph Damage, by striking out the words and figures, "Travel 300.00" and inserting in place thereof, Travel 700.00. Further amend said paragraph by striking out the words and figures, "Equipment 1,600.00". Further amend said paragraph by striking out at the end thereof, the words and figures, "Total 22,334.86" and inserting in place thereof, Total 21,134.86.

Further amend the appropriation For fish and game department, in the paragraph, Propagation of fish, by striking out the words and figures, "Equipment 9,000.00" and inserting in place thereof, Equipment \* 13,000.00. Further amend said paragraph by striking out the words and figures, "Total 368,356.94" and inserting in place thereof, Total 372,356.94. Further amend said paragraph by adding the following footnote:

\* In this appropriation, \$4,000.00 shall be for the sole purpose of the purchase of one frozen food slicer. No part of this amount shall be transferred or used for any other purpose. Immediately following the close of the fiscal year 1962, the department shall furnish the Senate Finance Committee with a detailed report showing savings made as a result of the purchase of this piece of equipment.

Further amend said appropriation For fish and game department, by striking out at the end thereof, the words and figures, "Total for fish and game department \$1,303,810.18" and inserting in place thereof, Total for fish and game department \$1,307,340.18. Further amend by striking out the words and figures, "Less revenue and balance 1,303,810.18" and inserting in place thereof, Less revenue and balance 1,307,340.18.

*Conservation officers:* The addition of \$730.00 to the item of Current expense is to provide sufficient funds for the cleaning of the uniforms worn by the officers.

*Damage:* An amount of \$400.00 has been added to the item of Travel to assure the Damage adjustor to accomplish his function. With the House's reinstatement of the position,

which the Committee endorses, it was necessary to provide travel money. The item of Equipment in the amount of \$1600. has been deleted.

*Propagation of Fish:* \$4,000.00 has been added to the item of Equipment to permit the purchase of one frozen food slicer. The Committee was advised that this piece of equipment would more than pay for itself in savings and has requested a report on this item.

On a *viva voce* vote, the committee amendment was adopted.

Senator Humphreys explained the committee amendment:

*Public Works and Highways:*

Amend the bill in the appropriation, For public works and highways: in the paragraph, For eastern New Hampshire turnpike: by striking out said paragraph and the footnote pertaining thereto, and inserting in place thereof the following:

For eastern New Hampshire turnpike:

Blue star memorial highway

(Seabrook-Portsmouth toll road):

Operating:

Personal services:

Permanent

\$61,712.66

Other

43,665.60 \$105,378.26

Current expenses

80,722.15

Travel

4,000.00

Equipment

970.00

Total

\$191,070.41

Maintenance:

Personal services:

Permanent

\$47,430.84

Other

4,149.60 \$51,580.44

Current expenses

65,132.80

Travel

800.00

Equipment

8,000.00

Total

125,513.24

Debt service:		
Bonds maturing	\$260,000.00	
Interest on bonds	79,200.00	
Total		339,200.00
Total for blue star memorial highway		655,783.65
Less estimated revenue *	\$1,241,827.44	
		655,783.65

Transfer to Spaulding turnpike to  
cover authorized expenditures 586,043.79

Net appropriation 0.00

\* Upon request of the commissioner, any revenue actually in excess of this amount shall be available for such further expenditure as the governor and council shall approve.

#### Spaulding turnpike:

Operating:		
Personal services:		
Permanent	\$62,707.92	
Other	16,728.96	\$79,436.88
Current expenses		75,000.85
Travel		4,000.00
Equipment		970.00
Total		\$159,407.73

#### Maintenance:

Personal services:		
Permanent	\$48,658.22	
Other	6,916.00	\$55,574.22
Current expenses		70,000.84
Travel		950.00
Equipment		9,300.00
Total		135,825.06

#### Debt service:

Bonds maturing	340,000.00	
Interest on bonds	312,925.00	
Total debt service		652,925.00
Total for Spaulding turnpike		\$948,157.79
Less estimated revenue *	\$362,114.00	
Transfer from blue star memorial highway	586,043.79	948,157.79
Net appropriation		0.00

\* Upon request of the commissioner, any revenue actually in excess of this amount shall be available for such further expenditure as the governor and council shall approve.



Note: Any funds transferred or paid to the state police from the eastern and central turnpikes shall be from the appropriations made for said turnpikes.

Amend the bill in the appropriation For public works and highways, in the paragraph, For central New Hampshire turnpike:, by inserting after the words and figures, Total 373,222.96, the following:

Debt service:		
Bonds maturing	\$390,000.00	
Interest on bonds	396,255.00	
Total		786,225.00

Further amend said paragraph by striking out at the end thereof, the words and figures, "Total for central New Hampshire turnpike \$583,134.92" and inserting in place thereof, Total for central New Hampshire turnpike \$1,369,359.92. Further amend by striking out the words and figures, "Less estimated revenue \* 583,134.92" and inserting in place thereof, Less estimated revenue \* 1,369,359.92.

Further amend the appropriation For public works and highways, in the paragraph For Neil R. Underwood bridge, by inserting after the words and figures, Total \$57,232.87, the following:

Debt service:		
Bonds maturing	\$45,000.00	
Interest on bonds	5,355.00	
Total		50,355.00

Further amend said paragraph by striking out the words and figures, "Total for Neil R. Underwood bridge \$57,232.87" and inserting in place thereof, \$107,587.87. Further amend said paragraph by striking out the words and figures, "Less estimated revenue\* 57,232.87 and inserting in place thereof, Less estimated revenue\* 107,587.87.

Amend section 1 of the bill by striking out at the end thereof, the words and figures, "Total net appropriation for the fiscal year ending June 30, 1962 \$24,915,189.97" and inserting in place thereof, Total net appropriation for the fiscal year ending June 30, 1962 \$24,921,562.22.

The amendments in this budget restore it to its original form in the printed bill. It was the general belief of the Com-

mittee that "Debt service" should be shown in the budgets for the Toll Road and the Neil Underwood Bridge appropriations. (Hampton-Seabrook Bridge)

On a *viva voce* vote, the committee amendment was adopted.

Amend Section 2 of the bill by striking out and inserting in place thereof the following:

2. The Finance Committee of The Honorable Senate and the Appropriations Committee of The House of Representatives shall continue to act in the interim between legislative sessions with full legislative authority over the execution of appropriations made at the preceding session. Each shall be a check upon the other and it shall require a majority vote of each committee voting independently to have force. They shall interpret legislative intent and may make studies of all matters of legislative concern either in effect or likely to be brought before ensuing sessions, either regular or special. The committees shall meet on the same day at least once monthly, except during July and August and then at the call of the chairmen, and may meet more often if necessary. Members shall serve without compensation but shall be reimbursed for necessary expenses and mileage at legislative rate. The chairman of each committee shall authorize and/or approve expenditures of the committee he serves as chairman. Expenditures shall be a charge against the appropriation made for the Legislative Branch. The members of these committees shall serve until the last Wednesday of December 1962.

Amend the bill in Section 8, by striking out, after the word "in," the word and figure, section 3, and inserting in place thereof the word and figure, section 4, so that said section as amended shall read as follows:

8. Continuing Appropriation. The monies provided in section 4 hereof shall be a continuing appropriation and shall not lapse.

Further amend said bill by inserting after section 8 the following new sections:

9. Rights of Employees Whose Positions are Abolished. Notwithstanding the provisions of any other statute, classified state employees with fifteen or more years of state service whose positions are abolished as a result of this act may elect to

leave their accrued contributions in the employees retirement fund, and in such event be entitled to all employee retirement benefits upon reaching retirement age based upon the actual proportion of time worked provided that they are members of the employees retirement system as of the effective date of this act.

10. Employment Preferences. Any permanent classified employee whose position in state service is abolished as a result of this act shall be given absolute employment preference to positions for which he is qualified during a one year period following the abolition of his position. Should such employee so certified by the department of personnel not be acceptable to the appointing authority, exceptions to this provision may be made only after reasonable cause is given the director of personnel with a copy of said reasons furnished the employee. Employees so wishing may appeal such action to the personnel commission.

11. Notices Required. Appointing authorities in those departments and institutions having permanent positions that have been abolished as a result of this act shall give written notice to the employees affected within five calendar days of the effective date of this act. Employees to be laid off may exercise bumping privileges over employees having less seniority in accordance with the rules of the personnel commission provided, however, that final determination of these employees to be displaced shall be made not later than nineteen calendar days after the effective date of this act. Employees who are to be ultimately laid off may remain on the payroll for not longer than sixty calendar days after the effective date of this act unless they elect to terminate their services with the respective state agency in which they are employed.

12. Eastern States Exhibition. In addition to the funds hereinbefore appropriated for the department of agriculture there is hereby appropriated the sum of \$2,000.00 to be expended by said department for exhibits at the Eastern States Exhibition. In addition to the funds hereinbefore appropriated for the department of planning and development there is hereby appropriated the sum of \$8,000.00 to be expenses by said department for publicity and exhibits at the Eastern States Exhibition. The sums appropriated in this section shall be a charge against the funds received under RSA 284:23 which are allo-

cated to be expended for the promotion of agriculture. The funds to be expenses for the promotion of agriculture as a distribution to agricultural fairs shall not exceed the sum of one hundred and forty thousand dollars in the fiscal year ending June 30, 1962.

Further amend said bill by renumbering section 9 to read section 13.

Senator Humphreys explained the committee amendment relative to the Eastern States Exhibition, which was adopted on a *viva voce* vote:

12 Eastern States Exhibition. In addition to the funds hereinbefore appropriated for the department of agriculture there is hereby appropriated the sum of \$2,000.00 to be expended by said department for exhibits at the Eastern States Exhibition. In addition to the funds hereinbefore appropriated for the department of planning and development there is hereby appropriated the sum of \$8,000.00 to be expended by said department for publicity and exhibits at the Eastern States Exhibition. The sums appropriated in this section shall be a charge against the funds received under RSA 284:23 which are allocated to be expended for the promotion of agriculture. The funds to be expenses for the promotion of agriculture as a distribution to agricultural fairs shall not exceed the sum of one hundred and forty thousand dollars in the fiscal year ending June 30, 1962.

Senator Battles offered the following amendment to section 2 of the bill, relative to the Finance Committee and Appropriations Committee to act during the interim, which was adopted:

Amend section 2 of the bill as inserted by the amendment of the committee by striking out said section and inserting in place thereof the following:

2. The Finance Committee of the Honorable Senate and the Appropriation Committee of the House of Representatives shall continue to act in the interim between legislative sessions. They may advise the executive, upon his request, as to legislative intent and may make studies of all matters of fiscal concern either in effect or likely to be brought before ensuing sessions either regular or special. The committees shall meet on the same day at least once monthly, except during July and August and then at the call of the chairmen and may meet

more often if necessary. Members shall serve without compensation but shall be reimbursed for necessary expenses and mileage at the legislative rate. The chairman of each committee shall authorize/approve expenditures of the committee he serves as chairman. Expenditures shall be a charge against the appropriation made for the Legislative Branch. The members of these committees shall serve until the last Wednesday of December 1962 and may assist in preparing the budget for the next biennium.

Senator Drake offered the following amendment to section 12 of the bill, which was adopted:

Amend section 12 of the bill as inserted by the committee's amendment by striking out the last two sentences thereof.

Senator Caron offered the following amendment, which was adopted:

Amend the bill by inserting after section 13 thereof the following new section:

14. In addition to any sum hereinabove appropriated for the office of the secretary of state there is hereby appropriated \$5,200.00 for the employment of Benjamin F. Greer, clerk of the senate, during the period from July 10, 1961 to July 1, 1962 at the rate of \$200.00 bi-weekly. The services of said Benjamin F. Greer shall be available to interim legislative committees and to the secretary of state's department. The sum hereby appropriated shall be a charge on the legislative appropriation.

Further amend said bill by renumbering section 14 to read 15.

Amend section 1 of the bill by striking out at the end thereof, the words and figures, "Total net appropriation for the fiscal year ending June 30, 1962 \$24,915,189.97" and inserting in place thereof, Total net appropriation for the fiscal year ending June 30, 1962 \$25,061,762.28.

The bill as amended was ordered to a third reading.

### **Committee Reports**

Senator Humphreys, for the Committee on Finance:

HB 374, making appropriations for the expenses of certain departments of the state for the year ending June 30, 1963. Ought to pass with amendments.

Amend Section 1 of the bill as follows:

Amend the bill in the appropriation For executive branch: by striking out in the sixth line the figure "\$7,500.00" and inserting in place thereof the figure \$8,000.00. Further amend by striking out, in the ninth line, the words and figures "(Salary of research analyst to senate finance committee \$7,000.00" and inserting in place thereof, "(Salary of research analyst to senate finance committee \$7,500.00.

Amend the bill in the appropriation For executive branch: by striking out said appropriation and the footnotes pertaining thereto and inserting in place thereof the following:

For executive branch:

Office of governor

Salary of governor	\$15,500.00	
Other personal services:		
Other *	35,000.00	\$50,500.00
Current expenses		5,950.00
Travel		1,200.00
Equipment		750.00
Total		\$58,400.00
Contingent fund		7,500.00
Special citations to state employees		300.00
Governor's special fund **		10,000.00
Governor's legal counsel	\$6,500.00	
Secretary to		
legal counsel	1,560.00	8,060.00
Total for governors' office		\$84,260.00

Executive council:

Personal services:

Other:

Per diem—governors council	\$13,500.00	
Secretary to governor's council	2,500.00	
Current expenses		300.00
Travel		3,200.00
Total for executive council		19,500.00
Emergency fund		75,000.00
Total for executive branch		\$178,760.00

\* Salaries paid out of this appropriation shall be at levels set by the governor.

\*\* The funds appropriated under this item are to be spent by the governor in his own and sole discretion for state pur-

poses, including but not limited to participation in the activities of the United States Governors Conference, the New England Conference of Governors, and the Council of State Governments, for which monies are not otherwise appropriated.

Amend the bill in the appropriation For adjutant general's department, in the paragraph, State military reservation, Concord: by striking out said paragraph and inserting in place thereof the following:

State military reservation, Concord:

Personal services:	
Permanent	\$6,890.26
Current expenses	29,925.00
Travel	500.00
Total	37,315.26

Further amend the appropriation, For adjutant general's department by striking out at the end thereof the words and figures, "Total for adjutant general's department \$366,527.91" and inserting in place thereof, Total for adjutant general's department \$373,718.17. Further amend said appropriation by striking out the words and figures, "Less estimated revenue 55,-063.81" and inserting in place thereof, Less estimated revenue 57,528.40. Further amend by striking out the words and figures, "Net appropriation \$311,464.10" and inserting in place thereof, Net appropriation \$316,189.77.

Amend the bill in the appropriation, For administration and control, in the paragraph, Division of purchase and property, by striking out the words and figures, "Permanent 46,-900.35" and inserting in place thereof, Permanent 41,970.23. Further amend said paragraph by striking out the figure \$58,-951.15 denoting the total for personal services and inserting in place thereof, \$54,021.03. Further amend said paragraph by striking out the words and figures, "Total \$63,881.15" and inserting in place thereof, Total \$58,951.03. Further amend said paragraph by striking out the words and figures, "Net appropriation \$63,281.15" and inserting in place thereof, Net appropriation \$58,351.03.

Further amend said appropriation, For administration and control, by striking out at the end thereof, the words and figures, "Total for administration and control \$1,033,247.72" and



inserting in place thereof, Total for administration and control \$1,028,317.60.

Amend the bill in the appropriation For agriculture, in the paragraph, Office of commissioner, by striking out the words and figures, "Total \$73,803.96" and inserting in place thereof, Total \$77,084.62.

Further amend the appropriation For agriculture, in the paragraph, Milk control, by striking out said paragraph and inserting in place thereof the following:

Milk control:

Personal services:		
Permanent	\$12,509.81	
Other	1,250.00	\$13,759.81
Current expenses		1,965.00
Travel		2,850.00
Equipment		505.00
Other expenditures:		
Public hearings		250.00
Total		\$19,329.81
Less estimated revenue		19,329.81
Net appropriation		0.00

Further amend the appropriation For agriculture, in the paragraph, Grants, by striking out said paragraph and inserting in place thereof the following:

Grants:

State soil conservation committee	300.00
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Further amend the appropriation For agriculture, by striking out at the end thereof, the words and figures, "Total for department of agriculture \$326,434.33" and inserting in place thereof, Total for department of agriculture \$323,104.52.

Amend the bill in the appropriation For attorney general: in the paragraph, Office of attorney general: by striking out said paragraph and the footnote pertaining thereto, and inserting in place thereof the following:

Office of attorney general:

Salary of attorney general	\$12,310.03
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Salary of deputy attorney general	10,868.00	
Salary of 4 assistant attorneys general	36,622.28	
Other personal services:		
Permanent	39,580.00	
Other	1,200.00	\$100,580.31
Current expenses		5,930.00
Travel		3,225.00
Equipment		2,500.00
Other expenditures:		
Investigation of subversive activities including personal services	10,000.00	
Commission on uniform laws	1,000.00	
Legal services re department of public works and highways	6,000.00	17,000.00
Total		\$129,235.31
Less estimated revenue		31,515.00
Net appropriation		\$97,720.31

Further amend the appropriation For attorney general by striking out at the end thereof, the words and figures, "Total for attorney general \$106,946.67" and inserting in place thereof, Total for attorney general \$108,428.67.

Amend the bill in the appropriation For forestry division (forestry and recreation), in the paragraph, Administration, by striking out the words and figures, "Travel 600.00" and inserting in place thereof, Travel 995.00. Further amend said paragraph by striking out the words and figures, "Total \$50,707.22" and inserting in place thereof, Total \$51,102.22. Further amend said paragraph by striking out the words and figures, "Net appropriation \$50,472.57" and inserting in place thereof, Net appropriation \$50,867.57.

Further amend said appropriation For forestry division (forestry and recreation), in the paragraph, "District fire super-

vision, by striking out said paragraph and inserting in place thereof the following:

District fire supervision:

Personal services:

Permanent	\$86,722.03	
Other	500.00	\$87,222.03
Current expenses		17,820.00
Travel		12,533.00
Equipment		11,507.00
Total		\$129,082.03
Less revenue and balance *	75,000.00	
Net appropriation		\$54,082.03

\* If the federal grant exceeds the above estimate, such excess may be expended for said purposes with the approval of the governor and council.

Further amend said appropriation For forestry division (forestry and recreation) in the paragraph, Cooperative forest management by striking out the figure 16,000.00 and inserting in place thereof \$18,000.00.

Further amend said appropriation For forestry division by striking out at the end thereof, the words and figures, "Total for forestry \$234,461.30" and inserting in place thereof, Total for forestry \$244,129.06.

Amend the bill in the appropriation For department of health, in the paragraph, Hospital services: state, by striking out the words and figures, "Permanent \$24,704.16" and inserting in place thereof, Permanent \$24,900.20. Further amend said paragraph by striking out at the end thereof, the words and figures, "Total 28,104.16" and inserting in place thereof, Total 28,300.20.

Further amend the appropriation For department of health, in the paragraph, Sanitary engineering: state, by striking out the words and figures, "Permanent \$54,722.40" and inserting in place thereof, Permanent 62,020.60. Further amend said paragraph by striking out the figure "\$60,312.40" denoting the total for personal services, and inserting in place thereof the figure, 67,610.60. Further amend by striking out at the end of said paragraph, the words and figures, "Total 73,137.40" and inserting in place thereof, Total 80,435.60.

Further amend said appropriation For department of health, in the paragraph, Commission on alcoholism: state, by striking out said paragraph and inserting in place thereof the following:

Commission on alcoholism: state

Personal services:

Permanent	\$52,561.80	
Other	8,300.00	\$60,861.80
Current expenses		8,870.00
Travel		5,840.00
Total		75,571.80

Further amend the appropriation For department of health by striking out at the end thereof, the words and figures, "Net appropriation \$758,551.89" and inserting in place thereof, Total for department of health \$772,346.13.

Amend the bill in the appropriation For insurance department: in the paragraph, Real estate division: by striking out the words and figures, "Current expenses 1,110.00" and inserting in place thereof, Current expenses 1,010.00. Further amend said paragraph by striking out the words and figures, "Total 4,957.45" and inserting in place thereof, Total 4,857.45.

Further amend the appropriation For insurance department by striking out at the end thereof, the words and figures, "Total for insurance department \$77,985.69" and inserting in place thereof, Total for insurance department \$77,885.69.

Amend the bill in the appropriation For department of labor, in the paragraph, Factory inspections division: by striking out the words and figures, "Travel 10,000.00" and inserting in place thereof, Travel 8,500.00. Further amend said paragraph by striking out at the end thereof, the words and figures, "Total 49,641.01" and inserting in place thereof, Total 48,141.01.

Further amend said appropriation by striking out at the end thereof, the words and figures, "Total for department of labor \$112,373.29" and inserting in place thereof, Total for department of labor \$110,873.29.

Amend the bill in the appropriation For motor vehicle department, in the paragraph, Inspectional services: by striking out the words and figures, "Travel 23,500.00" and inserting in place thereof, Travel 23,000.00. Further amend said paragraph,

by striking out the words and figures, "Total 135,880.64" and inserting in place thereof, Total 135,380.64.

Further amend said appropriation For motor vehicle department by striking out at the end thereof the words and figures, "Total for motor vehicle department \$687,543.78" and inserting in place thereof, Total for motor vehicle department \$687,043.78. Further amend by striking out the words and figures, "Less revenue 687,543.78" and inserting in place thereof, Less revenue 687,043.78.

Amend the bill in the appropriation For public welfare, in the paragraph Administration, by striking out the words and figures, "Permanent † \$196,109.79" and inserting in place thereof, Permanent † \$202,197.07. Further amend said paragraph by striking out the words and figures, "Current expenses 41,407.00" and inserting in place thereof, Current expenses 41,607.00. Further amend said paragraph by striking out at the end thereof the words and figures, "Total \$304,716.79" and inserting in place thereof, Total \$311,004.07 \*\*. Further amend said paragraph by adding the following footnote:

\*\* This appropriation includes \$6,287.28 (\$6,087.28 for personal services—permanent, and \$200.00 for current expenses) transferred from the Division of State Services.

Further amend the appropriation For public welfare, in the paragraph, State services, by striking out said paragraph.

Further amend the appropriation For public welfare, in the paragraph, Field services, by striking out said paragraph and inserting in place thereof the following:

Field services:

Personal services:

Permanent †	\$425,112.58	
Other	9,585.00	\$434,698.58
Current expenses		45,896.00
Travel		20,650.00
Equipment		4,056.00
Total		\$505,299.58
Less transfer from Salary		
Adjustment Fund‡		17,414.98
Net appropriation		\$487,884.60

† In this appropriation \$8,100.18 shall be for the salary of the Attorney III in the Manchester district welfare office, at salary grade 26, 3rd step (\$8,050.12, plus \$60.06 longevity. Any salary increase voted at the 1961 session of the Legislature shall not apply to this person or position.

‡ For the fiscal year ending June 30, 1963, there shall be transferred to the department of public welfare the sum of \$17,414.98 from the special salary adjustment fund provided for said department, however, that in the event the state does not accept the provisions of an act relative to medical aid for the aged at the 1961 session of the legislature the following positions in the department shall be abolished, namely, one case-worker in each of the following district offices, Concord, Woodsville, Nashua and Portsmouth and one clerical position in the Manchester district office. If such positions are abolished the above amounts appropriated for the salaries of said positions shall be eliminated.

Further amend the appropriation For public welfare by striking out at the end thereof, the words and figures, "Total for public welfare \$3,156,908.20" and inserting in place thereof, Total for public welfare \$3,156,368.28. Further amend by striking out the words and figures, "Net appropriation \$2,844,926.00" and inserting in place thereof, Net appropriation 2,844,385.98.

Further amend by adding the following footnote:

Notwithstanding the provisions of any other statute to the contrary, no new positions shall be established within the Department of Public Welfare during the fiscal year ending June 30, 1963.

Amend the bill in the appropriation For state library, in the paragraph, Administration, by striking out the words and figures, "Permanent 115,142.75" and inserting in place thereof, Permanent \* 117,792.93. Further amend said paragraph by striking out the figure \$141,836.99 denoting the total of personal services, and inserting in place thereof, \$144,487.17. Further amend said paragraph by striking out at the end thereof, the words and figures, "Total \$178,956.99" and inserting in place thereof, Total \$181,607.17. Further amend said paragraph by adding the following footnote: \* Of this amount \$2,650.18 shall be for the salary of one Library Aide. No part of this salary shall be used or transferred for any other purpose.

Further amend the appropriation For state library, by striking out at the end thereof the words and figures, "Total for state library \$204,836.99" and inserting in place thereof, Total for state library \$207,487.17.

Amend the bill in the appropriation For Laconia state school, in the paragraph, Administration:, by striking out the words and figures, "Permanent 51,222.42" and inserting in place thereof, Permanent 54,092.56. Further amend said paragraph by striking out the figure \$75,681.00 denoting the total of personal services and inserting in place thereof, \$78,551.14. Further amend said paragraph by striking out at the end thereof, the words and figures, "Total \$81,021.00" and inserting in place thereof, Total \$83,891.14.

Further amend the appropriation For Laconia state school, in the paragraph, Custodial care:, by striking out the words and figures, "Current expenses \* 262,380.00" and inserting in place thereof, Current expenses \* 272,380.00. Further amend said paragraph by striking out at the end thereof, the words and figures, "Total 432,946.68" and inserting in place thereof, Total 442,946.68.

Further amend the appropriation For Laconia state school, in the paragraph, Agriculture, by striking out the words and figures, "Current expenses 44,325.00" and inserting in place thereof, Current expenses 46,825.00. Further amend said paragraph by striking out the words and figures, "Total \$103,668.14" and inserting in place thereof, Total \$106,168.14. Further amend said paragraph by striking out the words and figures, "Less estimated revenue 4,500.00" and inserting in place thereof, Less estimated revenue 7,000.00.

Further amend the appropriation For Laconia state school, by striking out at the end thereof, the words and figures, "Total for Laconia state school \$1,554,405.42" and inserting in place thereof, Total for Laconia state school \$1,567,275.56. Further amend said appropriation by striking out the words and figures, "Net appropriation \$1,539,405.42" and inserting in place thereof, Net appropriation \$1,552,275.56.

Amend the bill in the appropriation For prison industries, by striking out said appropriation and inserting in place thereof the following:



## For prison industries:

## Personal services:

Permanent	\$72,182.62	
Other	9,848.00	\$82,030.62
Current expenses		150,000.00
Travel		450.00
Total		\$232,480.62
Less estimated revenue and credits *		232,480.62
Net appropriation		0.00

\* Any revenue in excess of \$245,000.00 shall be available for such further expenditure for said purposes as the governor and council shall approve.

Amend the bill in the appropriation For state prison, in the paragraph, Custodial care, by striking out the words and figures, "Current expenses \* 89,000.00" and inserting in place thereof, Current expenses \* 91,500.00. Further amend said paragraph by striking out the words and figures, "Custody of certain inmates \* 2,600.00" and inserting in place thereof, Custody of certain inmates \* 3,000.00. Further amend said paragraph by striking out at the end thereof, the words and figures, "Total 325,023.49" and inserting in place thereof, Total 327,923.49.

Further amend the appropriation For state prison, by striking out at the end of the appropriation the words and figures, "Total for state prison \$427,602.45" and inserting in place thereof, Total for state prison \$430,502.45. Further amend by striking out the words and figures "Net appropriation \$425,440.70" and inserting in place thereof, Net appropriation \$428,340.79.

Amend the bill in the appropriation For state hospital, in the paragraph, Administration by striking out the words and figures, "Permanent 100,214.44 \*" and inserting in place thereof, Permanent 116,164.92. Further amend said paragraph by striking out the figure "\$140,954.64" denoting the total for personal services, and inserting in place thereof the figure, \$148,388.12. Further amend said paragraph, by striking out at the end thereof, the words and figures, "Total \$189,954.64" and inserting in place thereof, Total \$197,288.12.

Further amend the appropriation For state hospital by striking out at the end thereof the words and figures, "Total

for state hospital \$4,723,443.32" and inserting in place thereof, Total for state hospital \$4,730,876.80. Further amend by striking out the words and figures, "Net appropriation \$4,655,443.32" and inserting in place thereof, Net appropriation \$662,876.80.

Amend the bill in the appropriation For University of New Hampshire by striking out the words and figures, "University of New Hampshire fund \$3,927,234.11" and inserting in place thereof, University of New Hampshire fund \$3,852,234.11.

Further amend said appropriation by striking out the words and figures, "Total \$4,019,634.11" and inserting in place thereof, Total \$3,944,634.11.

Amend the bill in the appropriation For board of education, in the paragraph, Administration: by striking out the words and figures, "Permanent 119,016.94" and inserting in place thereof, Permanent 128,873.94. Further amend said paragraph by striking out the figure "\$145,369.28" denoting the total for personal services, and inserting in place thereof, 155,226.28. Further amend said paragraph by striking out the words and figures, "Travel 10,900.00" and inserting in place thereof, Travel 10,000.00. Further amend said paragraph by striking out the words and figures, "Conference workshops, committee meetings 500.00". Further amend said paragraph by striking out at the end thereof the words and figures, "Total 176,369.28" and inserting in place thereof, Total \$184,826.28.

Further amend the appropriation For board of education, in the paragraph, Keene teachers college; in the sub-paragraph, Administration, by striking out the words and figures, "Permanent 25,902.46" and inserting in place thereof, Permanent \*\* 33,192.60. Further amend said sub-paragraph by striking out the words and figures, "Other \*\* 9,590.14" and insert in place thereof, Other 2,300.00.

Further amend said appropriation For board of education, in the paragraph, Plymouth teachers' college, in the sub-paragraph, Administration: by striking out the words and figures, "Permanent 26,828.92" and inserting in place thereof, Permanent \*\* 34,119.06. Further amend by striking out the words and figures, "Other \*\* 10,290.14" and inserting in place thereof, Other 3,000.00.

Further amend said paragraph, Plymouth teachers' college, in the sub-paragraph, Custodial care, by striking out the words

and figures, "Current expenses 93,000.00" and inserting in place thereof, Current expenses 95,000.00. Further amend said sub-paragraph by striking out the words and figures, "Total 202,-850.96" and inserting in place thereof, Total 204,850.96.

Further amend said paragraph, Plymouth teachers' college, in the sub-paragraph, Operation and maintenance of plant: by striking out the words and figures, "Permanent \$53,689.06" and inserting in place thereof, Permanent \$56,339.24.

Further amend by striking out the figure "57,689.06" denoting to total for personal services, and inserting in place thereof, \$60,339.24. Further amend said sub-paragraph by striking out at the end thereof, the words and figures, "Total 129,629.06" and inserting in place thereof, Total 132,279.24.

Further amend said paragraph, Plymouth teachers' college by striking out at the end thereof the words and figures, "Total for Plymouth teachers' college \$855,912.08" and inserting in place thereof, Total for Plymouth teachers' college \$860,562.26. Further amend by striking out the words and figures, "Net appropriation \$296,690.83" and inserting in place thereof, Net appropriation \$301,341.01.

Further amend the appropriation For board of education, by striking out at the end thereof, the words and figures, "Total for board of education \$5,054,046.75" and inserting in place thereof, Total for board of education \$5,067,153.93. Further amend by striking out the words and figures, "Net appropriation \$4,389,453.55" and inserting in place thereof, Net appropriation \$4,402,560.73.

Amend the bill in the appropriation For board of fire control, by striking out said appropriation and inserting in place thereof the following:

For board of fire control: \*

Salary of fire marshall      \$8,267.95

Other personal services:

    Permanent                      17,891.01    \$26,158.96

Current expenses                      2,453.00

Travel                                      4,625.00

Equipment                                  1,630.00

    Total    \$34,866.96

\* Monthly progress reports shall be made by the board to the Legislative Budget Assistant in such form as he may require.

Amend the bill in the appropriation For board of probation, by striking out said appropriation and inserting in place thereof the following:

For board of probation:

Salary of director	\$8,237.34	
Other personal services:		
Permanent *	174,011.39	
Other †	2,000.20	\$184,248.93
Current expenses		14,500.00
Travel		16,600.00
Equipment		500.00
Total for board of probation	\$215,848.93	
Less refund	5,606.64	
Net appropriation		\$210,242.29

\* Of this amount \$5,305.24 shall be for the salary of one financial agent II, (Salary grade 17, 3rd step) who in the absence of the director of probation shall act in his stead with full powers of said director. Any salary increase authorized by the 1961 legislative session for salary grade 17 shall apply to this position. Notwithstanding the provisions of any other statute to the contrary the position of assistant director of probation shall not be filled during the fiscal year ending June 30, 1963.

† In this appropriation \$1,800.00 shall be for the salary of a woman probation officer. This position is to receive a salary increase proportionate with that granted all classified employees in labor grade 16 (law enforcement). Funds necessary to grant this increase shall be drawn from the same source as all other increases so voted.

Amend the bill in the appropriation For water resources board: by striking out the words and figures, "Current expenses 2,204.25" and inserting in place thereof, Current expenses 2,459.75.

Further amend said appropriation in the sub-paragraph, Merrimack valley flood control commission: by striking out the words and figures, "State's contribution to commission 6,000.00" and inserting in place thereof, State's contribution to commission 4,000.00. Further amend said sub-paragraph by striking out the words and figures, "Total \$7,000.00" and inserting in place thereof, Total \$5,000.00.

Further amend said appropriation For water resources board, by striking out the words and figures, "Total for water resources board \$119,984.54" and inserting in place thereof, Total for water resources board \$118,240.04. Further amend by striking out the words and figures, "Net appropriation \$96,305.52" and inserting in place thereof, Net appropriation \$94,561.02.

Further amend said appropriation For water resources board, by striking out the footnote relating to dams in disrepair and inserting in place thereof, the following:

† The funds in this appropriation shall not lapse but shall be available for expenditure in the following year. Expenditures of these funds shall be subject to approval of the governor and council.

Amend the bill in the appropriation For aeronautics commission, in the paragraph, Administration, by striking out the words and figures, "Travel 2,400.00" and inserting in place thereof, Travel 2,200.00. Further amend said paragraph by striking out the words and figures, "Total \$32,834.58" and inserting in place thereof, Total \$32,634.58. Further amend said paragraph by striking out the words and figures, "Net appropriation \$25,195.50" and inserting in place thereof, Net appropriation \$24,995.50.

Further amend the appropriation For aeronautics commission, by striking out at the end thereof, the words and figures, "Total for aeronautics commission \$25,195.50" and inserting in place thereof, Total for aeronautics commission \$24,995.50.

Amend the bill in the appropriation For bank commissioner, by striking out said appropriation and inserting in place thereof the following:

For bank commissioner:

Salary of commissioner	\$12,192.00
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Salary of deputy commissioner	9,642.91
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Salary of assistant commissioner	9,210.24
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Other personal services:

Permanent	92,902.13
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Other	5,000.00	\$128,947.28
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Current expenses		12,200.00
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Travel	19,450.00	
Equipment	773.00	
Other expenditures:		
Retirement and OASI	8,248.92	
Total for bank commissioner	\$169,619.20	
Less revenue *	157,427.20	
Net appropriation		\$12,192.00

Amend the bill in the appropriation For liquor commission, in the paragraph, Stores operation, by inserting after the words, Other expenditures:, the words and figures, Police protection \* 15,000.00. Further amend said paragraph by striking out at the end thereof the words and figures, "Total \$1,212,483.26" and inserting in place thereof, Total \$1,227,483.26. Further amend said paragraph by adding the following footnote:

\* The amount of \$15,000.00 hereby appropriated shall be used to provide police protection by uniformed police officers for liquor stores' personnel assigned to transport state money to and from banks in whatever place in the discretion of the State Liquor Commission such police protection is necessary. No part of this amount shall be used for any other purpose.

Further amend the appropriation For liquor commission by striking out at the end thereof the words and figures, "Total for liquor commission \$1,657,287.23" and inserting in place thereof the words and figures, Total for liquor commission \$1,672,287.23. Further amend by striking out the words and figures, "Less revenue 1,657,287.23" and inserting in place thereof, Less revenue 1,672,287.23.

Amend the bill in the appropriation For planning and development commission by striking out said appropriation and the footnotes pertaining thereto and inserting in place thereof the following:

For planning and development commission:

Salary of executive		
director †	\$10,135.50	
Other personal services:		
Permanent	161,535.41	
Other	12,307.28	\$183,978.59
Current expenses		167,850.00
Travel	16,000.00	
Equipment	2,000.00	

Other expenditures:		
Regional associations *	27,000.00	
Montreal office	10,500.00	
New York office	10,000.00	
Economic growth survey	6,250.00	
Promotion, planning and advertising **	100,000.00	
Total		\$523,578.59

† No amount shall be paid to an executive director of the planning and development commission during the biennium ending June 30, 1963, unless said executive director has been appointed to such position by the governor with the approval of the council from among those nominated by the commission.

\* This appropriation shall be administered by the state planning and development commission for the aid of regional development associations. Not more than \$4,500.00 may be allotted by the commission to any one regional association whose bounds, form of organization and program shall have first been approved by the commission. Any unexpended portion of this appropriation shall not be transferred to any other state appropriation, but shall lapse.

\*\* No expenditure shall be made from this appropriation without prior approval by the governor and council.

Geology booklets:	\$1,500.00	
Less revenue and balance ‡	1,500.00	
Net appropriation		0.00

‡ Any revenue and balance in excess of \$1,500.00 shall be available for such further expenditure for said purpose as the governor shall approve.

Vacation bulletin:	\$1,000.00	
Less revenue and balance ¶	1,000.00	
Net appropriation		0.00

¶ Any revenue and balance in excess of \$1,000.00 shall be available for such further expenditure for said purposes as the governor shall approve.

#### Port authority:

Personal services:		
Permanent ***	\$10,160.28	
Other — Harbor Masters	3,500.00	\$13,660.28



## Other expenditures:

Expenses of the Authority	4,839.72	
Total		18,500.00

\*\*\* Included in this amount is \$7,290.14 for one Senior Industrial Agent, and \$2,870.14 for one Clerk Stenographer II.

## Urban planning assistance:

## Personal services:

Other	\$52,000.00	
Current expenses	5,000.00	
Travel	5,000.00	
Total	\$62,000.00	
Less revenue ****	62,000.00	
Net appropriation		0.00
Total for planning and development commission		\$542,078.59

\*\*\*\* Any revenue and balance in excess of this estimate shall be available for such further expenditure for said purposes as the governor and council shall approve.

Amend the bill in the appropriation For public utilities commission, in the paragraph, Office of the commission, by striking out the words and figures, "Permanent 75,363.56" and inserting in place thereof, Permanent 78,614.86. Further amend said paragraph by striking out the figure "\$109,682.80" denoting the total for personal services, and inserting in place thereof the figure, \$112,934.10. Further amend said paragraph by striking out at the end thereof, the words and figures, "Total \$117,962.80" and inserting in place thereof, Total \$121,214.10.

Further amend the appropriation For public utilities commission, by striking out at the end thereof, the words and figures, "Total for public utilities commission \$117,962.80" and inserting in place thereof, Total for public utilities commission \$121,214.10.

Amend the bill in the appropriation For tax commission, in the paragraph, Office of commission, by striking out said paragraph and the footnote pertaining thereto and inserting in place thereof the following:

## Office of commission:

Salary of two commissioners	\$17,800.12
Salary of secretary	11,068.97

## Other personal services:

Permanent	65,706.49	
Other †	37,436.66	\$132,012.24
Current expenses		12,000.00
Travel		26,700.00
Equipment		4,100.00
Total		\$174,812.24
Less estimated revenue		48,176.66
Net appropriation		\$126,635.58

† In this appropriation \$28,676.44 shall be for the salaries of six temporary property appraisers II; \$7,760.22 shall be for the salaries of two temporary property supervisors I, and \$1,000.00 shall be for overtime.

Further amend the appropriation For tax commission, in the paragraph, Municipal accounting: by striking out said paragraph and inserting in place thereof the following:

## Municipal accounting:

## Personal services:

Permanent	\$56,364.38	
Other	750.00	\$57,114.38
Current expenses		1,550.00
Travel		5,850.00
Equipment		400.00
Total		\$64,914.38
Less estimated revenue		30,000.00
Net appropriation		34,914.38

Further amend the appropriation For tax commission by striking out at the end thereof the words and figures, "Total for tax commission \$355,181.17" and inserting in place thereof, Total for tax commission \$355,781.07.

Amend the bill in the appropriation For racing commission, in the paragraph Thoroughbred racing, by striking out the words and figures, "Permanent 20,042.08" and inserting in place thereof, Permanent 17,171.94. Further amend said paragraph by striking out the figure "\$54,992.59" denoting a total for personal services and inserting in place thereof the figure, \$52,-122.45. Further amend said paragraph by striking out the words and figures, "Total \$63,552.59" and inserting in place thereof, Total \$60,682.45. Further amend said paragraph by striking

out the words and figures, "Less revenue 63,552.59 and inserting in place thereof, Less revenue 60,682.45.

Amend the bill in the appropriation For water pollution commission, in the paragraph, State funds, by striking out the words and figures, "Permanent \$61,387.39" and inserting in place thereof, Permanent \$65,007.58. Further amend said paragraph by striking out the figure "\$65,324.89" denoting the total of personal services, and inserting in place thereof, \$68,945.08. Further amend said paragraph by striking out at the end thereof the words and figures, "Total \$88,024.89" and inserting in place thereof, Total \$91,645.08.

Further amend said appropriation For water pollution commission, by striking out the words and figures, "State aid to municipalities 169,000.00" and inserting in place thereof, State aid to municipalities \* \* 169,000.00.

Further amend said appropriation For water pollution commission by striking out at the end of the appropriation the words and figures, "Total for water pollution commission \$260,474.89" and inserting in place thereof, Total for water pollution commission \$264,095.08 †.

Further amend said appropriation by adding at the end thereof the following footnotes:

† In the event that the Federal Government increases its grant to the State of New Hampshire made available under Public Law 660, 84th Congress (subsequent amendments thereof, or any other federal legislation), an additional sum of \$169,000.00 or so much of said sum as may be necessary, is hereby made available for the purposes of RSA, Chapter 149-B1 and 149-B2 (Chapter 267, Laws of 1959). The governor is hereby authorized to draw his warrant for such sums as are required from funds in the treasury not otherwise appropriated.

\*\*\* No part of this appropriation shall be expended directly or indirectly for any anti-pollution or sewage disposal project that will adversely affect or infringe upon any federal, state, municipal or private property now designated or used for a public park or recreation area or a fish and game preserve or a historical site, except in special circumstances of necessity with the approval of governor and council.

Amend the bill in the appropriation For teachers' retirement system, by striking out the words and figures, "Permanent

\$18,489.01" and inserting in place thereof, Permanent \$19,193.-61. Further amend by striking out the figure "\$22,839.01" denoting the total for personal services and inserting in place thereof the figure, \$23,543.61.

Further amend the appropriation For teachers' retirement system by striking out at the end thereof the words and figures, "Total for teachers' retirement system \$426,433.58" and inserting in place thereof, Total for teachers' retirement system \$427,138.18.

Amend the bill in the appropriation For fish and game department, in the paragraph, Conservation officers, by striking out the words and figures, "Current expenses + 25,000.00" and inserting in place thereof, Current expenses + \$25,730.00. Further amend said paragraph by striking out the words and figures, "Total 347,592.94" and inserting in place thereof, Total 348,322.94.

Further amend the appropriation For fish and game department in the paragraph, Damage, by striking out the words and figures, "Travel 300.00" and inserting in place thereof, Travel 700.00. Further amend said paragraph by striking out the words and figures, "Total 20,984.86" and inserting in place thereof, Total 21,384.86.

Further amend the appropriation For fish and game department, by striking out at the end thereof, the words and figures, "Total for fish and game department \$1,302,176.36" and inserting in place thereof, \$1,303,306.36. Further amend by striking out the words and figures, "Less revenue and balance 1,302,176.36" and inserting in place thereof, Less revenue and balance 1,303,306.36.

Amend the bill in the appropriation, For public works and highways, in the paragraph, For eastern New Hampshire turnpike said paragraph and inserting in place thereof the following:

For eastern New Hampshire turnpike:

Blue star memorial highway (Seabrook-  
Portsmouth toll road):

Operating:

Personal services:

Permanent

\$62,048.83

Other

43,665.60 \$105,714.43

Current expenses	80,387.20	
Travel	4,000.00	
Equipment	970.00	
Total		\$191,071.63

## Maintenance:

## Personal services:

Permanent	\$48,336.14	
Other	4,149.60	\$52,485.74
Current expenses		65,112.86
Travel		800.00
Equipment		8,250.00
Total		126,648.60

## Debt service:

Bonds maturing	\$270,000.00	
Interest on bonds	75,040.00	
Total		345,040.00
Total for blue star memorial highway		\$662,760.23
Less estimated revenue *	\$1,211,005.22	
Transfer to Spaulding turnpike to cover authorized expenditures	548,244.99	662,760.23
Net appropriation		0.00

\* Upon request of the commissioner, any revenue actually in excess of this amount shall be available for such further expenditure as the governor and council shall approve.

## Spalding turnpike:

## Operating:

## Personal services:

Permanent	\$63,257.96	
Other	16,728.96	\$79,986.92
Current expenses		75,611.28
Travel		4,000.00
Equipment		970.00
Total		\$160,568.20

## Maintenance:

## Personal services:

Permanent	\$49,176.95	
Other	6,916.00	\$56,092.95
Current expenses		70,000.84

Travel	950.00	
Equipment	6,250.00	
Total		133,293.79
Debt service:		
Bonds maturing	\$340,000.00	
Interest on bonds	305,450.00	
Total debt service		645,450.00
Total for Spaulding turnpike		\$939,311.99
Less estimated revenue *	\$391,067.00	
Transfer from blue star memorial highway	548,244.99	939,311.99
Net appropriation		0.00

\* Upon request of the commissioner, any revenue actually in excess of this amount shall be available for such further expenditure as the governor and council shall approve.

I Note: Any funds transferred or paid to the state police from the eastern and central turnpikes shall be from the appropriations made from said turnpikes.

Further amend the appropriation For public works and highways, in the paragraph, For central New Hampshire turnpike, by striking out said paragraph and inserting in place thereof the following:

For central New Hampshire turnpike:

Operation:

Personal services:

Permanent	\$81,529.06	
Other	14,528.64	\$96,057.70
Current expenses		108,076.57
Travel		3,500.00
Equipment		2,070.00
Total		\$209,704.27

Maintenance:

Personal services:

Permanent	\$97,954.14	
Other	8,299.20	\$106,253.34
Current expenses		263,015.55
Travel		6,100.00

Equipment	16,500.00	
Total		391,868.89

## Debt service:

Bonds maturing	\$490,000.00	
Interest on bonds	388,350.00	
Total		878,350.00
Total for central New Hampshire turnpike	\$1,479,923.16	
Less estimated revenue *	1,479,923.16	
Net appropriation		0.00

Further amend the appropriation For public works and highways, in the paragraph, For Neil R. Underwood bridge, by inserting after the figure \$57,428.38, the following words and figures:

## Debt service:

Bonds maturing	\$45,000.00	
Interest on bonds	4,590.00	
Total		49,590.00

Further amend said paragraph by striking out at the end thereof, the words and figures, "Total for Neil R. Underwood Bridge \$57,428.38" and inserting in place thereof, Total for Neil R. Underwood Bridge \$107,018.38. Further amend by striking out the words and figures "Less estimated revenue \* 57,428.38" and inserting in place thereof, Less estimated revenue \* 107,-018.38.

Further amend section 1 of the bill by striking out at the end thereof, the words and figures, "Total net appropriation for the fiscal year ending June 30, 1963, \$26,133,291.53" and inserting in place thereof, Total net appropriation for the fiscal year ending June 30, 1963 \$26,142,138.29.

Amend section 2 of the bill by striking out and inserting in place thereof the following:

2 The Finance Committee of The Honorable Senate and the Appropriations Committee of The House of Representatives shall continue to act in the interim between legislative sessions with full legislative authority over the execution of appropriations made at the preceding session. Each shall be a check upon the other and it shall require a majority vote of each committee voting independently to have force. They shall interpret legislative intent and may make studies of all matters of legislative



concern either in effect or likely to be brought before ensuing sessions, either regular or special. The committees shall meet on the same day at least once monthly, except during July and August and then at the call of the chairmen, and may meet more often if necessary. Members shall serve without compensation but shall be reimbursed for necessary expenses and mileage at legislative rate. The chairman of each committee shall authorize and/or approve expenditures of the committee he serves as chairman. Expenditures shall be a charge against the appropriation made for the legislative branch. The members of these committees shall serve until the last Wednesday of December 1962.

Amend the bill in Section 8, by striking out after the word "in" the word and figure, "section 3," and inserting in place thereof the word and figure, section 4, so that said section as amended shall read as follows:

8 Continuing Appropriation. The monies provided in section 4 hereof shall be a continuing appropriation and shall not lapse.

Further amend said bill by inserting after section 8 the following new sections:

9 Rights of Employees Whose Positions are Abolished. Notwithstanding the provisions of any other statute, classified state employees with fifteen or more years of state service whose positions are abolished as a result of this act may elect to leave their accrued contributions in the employees retirement fund, and in such event be entitled to all employee retirement benefits upon reaching retirement age based upon the actual proportion of time worked provided that they are members of the employees retirement system as of the effective date of this act.

10 Employment Preferences. Any permanent classified employee whose position in state service is abolished as a result of this act shall be given absolute employment preference to positions for which he is qualified during a one year period following the abolition of his position. Should such employee so certified by the department of personnel not be acceptable to the appointing authority, exceptions to this provision may be made only after reasonable cause is given the director of personnel with a copy of said reasons furnished the employee. Employees so wishing may appeal such action to the personnel commission.

11 Notices Required. Appointing authorities in those departments and institutions having permanent positions that have been abolished as a result of this act shall give written notice to the employees affected within five calendar days of the effective date of this act. Employees to be laid off may exercise bumping privileges over employees having less seniority in accordance with the rules of the personnel commission provided, however, that final determination of these employees to be displaced shall be made not later than nineteen calendar days after the effective date of this act. Employees who are to be ultimately laid off may remain on the payroll for not longer than sixty calendar days after the effective date of this act unless they elect to terminate their services with the respective state agency in which they are employed.

12 Eastern States Exhibition. In addition to the funds hereinbefore appropriated for the department of agriculture there is hereby appropriated the sum of \$2,000.00 to be expended by said department for exhibits at the Eastern States Exhibition. In addition to the funds hereinbefore appropriated for the department of planning and development there is hereby appropriated the sum of \$8,000.00 to be expenses by said department for publicity and exhibits at the Eastern States Exhibition. The sums appropriated in this section shall be a charge against the funds received under RSA 284:23 which are allocated to be expended for the promotion of agriculture. The funds to be expenses for the promotion of agriculture as a distribution to agricultural fairs shall not exceed the sum of one hundred and forty thousand dollars in the fiscal year ending June 30, 1962.

Further amend said bill by renumbering section 9 to read section 13.

On motion of Senator Battles, all the amendments which were adopted to HB 373 above, were adopted to HB 374, insofar as they are applicable.

Senator Humphreys spoke on the amendments offered by the Finance Committee to HB 374, which were not included in the amendments adopted on HB 373. (There are three amendments)

1. Committee amendment pertaining to Commission on Alcoholism;

2. Committee amendment pertaining to State Prison. \$2,500 has been granted for the purchase of uniforms, which are a requirement every other year;

3. Fire Control: A new inspector, his travel, and the equipment (car, etc.) for him has been deleted. (This was allowed by the House, but the Senate was of the feeling that with one new inspector added in 1962, the Department could function well without the second one in 1963).

On a *viva voce* vote, the above committee amendments were adopted.

Senator Humphreys: "Mr. President, other than these additional amendments to the second year bill, the bill is substantially the same as for the first year except for minor differences."

The bill as amended was ordered to a third reading.

### House Message

Mr. President:

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled bill sent down from the Senate:

HB 46, providing for salaries for classified and unclassified state employees and requests a Committee of Conference; the Speaker has appointed as members of said Committee of Conference on the part of the House of Representatives, Messrs. Clement of Rochester; Chandler of Bartlett; Bell of Plymouth; Bruton of Manchester; and Dumont of Berlin.

On motion of Senator Battles, the Senate voted to accede to the request of the House for a Committee of Conference on the above entitled bill.

Pursuant to the above, the President appointed as members of such Committee on the part of the Senate, Senators Buckley, Battles and Caron.

### Committee Reports

Senator Bunten, for the Committee on Ways & Means:

SJR 10, creating the Nashua Airport Authority. Ought to pass with amendment.

Amend said joint resolution by inserting in line 2 of sub-section (3) of section 5 after the word "of" the following: "non federal, so that said sub section as amended shall read as follows:

5 General Powers. The Nashua Airport Authority shall be a corporation in the state of New Hampshire and shall have the power:

(1) to sue and be sued;

(2) to have a seal and alter the same at pleasure;

(3) to adopt from time to time and amend by-laws covering its procedure, rules and regulations governing use of non federal air navigation facilities and any other services made available in connection therewith, to publish the same, if such publication is necessary or advisable and to cause records of its proceedings to be kept;

Further amend said joint resolution by inserting in line 3 of sub section 4 of section 5 after the word "States," the words, State of New Hampshire, so that said sub section as amended shall read as follows: to own, construct, maintain, reconstruct, develop and operate airports or other air navigation facilities and may do so jointly with the United States, State of New Hampshire, other states or with cities and towns of the state;

Further amend said joint resolution by striking out in line 2 of sub section (9) of section 5 the word "an" and inserting in place thereof the words, a non federal, so that said sub section as amended shall read as follows: to sell or lease plots of land and to charge and collect fees for services made available in connection with a non federal air navigation facility or in the development of non-aviation revenue;

Further amend said joint resolution by inserting in line 2 of sub section (15) of section 5 thereof after the word "tax" the word, recommended. Further amend said sub section by striking out in line 4 after the word "shall" and inserting in place thereof the word, may, so that said sub section as amended shall read as follows: to certify annually to the Board of Mayor and Aldermen the amount of tax recommended to be levied for airport purposes, not to exceed one mil on the dollar upon the assessed valuation of the taxable property in the city and the Board of Mayor and Aldermen may levy and collect the

taxes so certified at the same time and in the same manner as other city taxes are levied and collected and the proceeds of such taxes when and as collected shall be set aside and deposited in the aeronautical fund authorized in the following paragraph:

Further amend said joint resolution by inserting in line 2 of section 10 thereof after the word "exceeding" the figures, \$200,000.00, so that said section as amended shall read as follows: The authority shall not issue notes or bonds as provided by this act at any one time in an amount exceeding \$200,000.00.

On motion of Senator Eaton, the reading of the amendment was dispensed with.

Senator Eaton explained the amendment.

On a *viva voce* vote, the amendments were adopted, and the joint resolution as amended was ordered to a third reading.

Senator Cheney, for the Joint Committee on Finance and Ways & Means:

SB 150, relative to the financing of the Lebanon Regional Airport and the contributions towards financing the same. Ought to pass.

Senator Monahan explained the bill and spoke in support of its passage.

On a *viva voce* vote, the bill was ordered to a third reading.

Senator Bunten, for the Committee on Ways & Means:

HB 381, relative to the taxation of livestock and poultry. Inexpedient to legislate.

Senator Bunten moved that the words, ought to pass, be substituted for the recommendation of the committee, inexpedient to legislate.

Senator Battles spoke in support of the motion to substitute and moved that further consideration of the motion together with the committee report be made a Special Order of Business for tomorrow morning at 11:01.

On a *viva voce* vote, the motion for Special Order carried.

Senator Bunten, for the Committee on Ways & Means:

SB 147, pertaining to Dillant-Hopkins Airport. Ought to pass.

Senator Eaton explained the bill and spoke in support of same.

On a *viva voce* vote, the bill was ordered to a third reading.

Senator Bunten, for the Committee on Ways & Means:

SB 70, prohibiting suspension of liquor licenses without hearing. Ought to pass.

Senator Eaton spoke in support of the bill and urged its passage.

(Discussion ensued)

Senator Drake moved that further consideration of this bill and report be made a Special Order of Business for tomorrow morning at 11:03.

On this motion, Senator Humphreys requested a Division vote.

Fourteen Senators having voted in the affirmative, and five Senators having voted in the negative, the affirmative prevailed, and the motion for Special Order carried.

Senator Humphreys, for the Committee on Finance:

HB 185, relative to the issuance of short term loans for highway purposes. Ought to pass.

Senator Dunnington: "Mr. President, this bill, at the request of Commissioner Morton, would provide for an increase in his limit on short term loans. He finds it more economical to float bond issues in large chunks. This is a revolving fund."

The bill was ordered to a third reading.

Senator Humphreys, for the Committee on Finance:

HB 223, relative to the construction of a dormitory for women at the University of New Hampshire, and to be liquidated from income. Ought to pass.

Senator Dunnington: "Mr. President, this is a self explanatory operation that will be paid for out of income."

The bill was ordered to a third reading.

Senator Humphreys, for the Committee on Finance:

HB 382, relative to the construction of a dining hall at the University of New Hampshire, cost to be liquidated from income. Ought to pass.

Senator Dunnington: "Mr. President, this is a similar story — this will be paid for out of income."

The bill was ordered to a third reading.

Senator Humphreys, for the Committee on Finance:

HJR 18, relative to the operating expenses of educational television station, WENH-TV, Channel 11, Durham, New Hampshire. Ought to pass.

On motion of Senator Battles, further consideration of the above joint resolution was made a Special Order of Business for tomorrow at 11:04.

Senator Humphreys, for the Committee on Finance:

HB 443, relative to agreements with the University of Vermont. Ought to pass.

Senator Dunnington: "Mr. President, this is an agreement between New Hampshire and Vermont Medical School, whereby we agree to pay \$2500 for each medical student when in the Vermont Medical School. This will clean us up with the State of Vermont."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

SB 151, legalizing the annual meeting of the town of Newbury. Ought to pass with amendment.

Amend said bill by inserting after section 3 the following new section:

4 Proceedings Legalized. The votes and proceedings of the annual school district meeting in the town of Danbury duly held on March 11, 1961, and the adjournment thereof on May 6, 1961, are hereby legalized, ratified and confirmed. The raising and appropriating of the sum of fifty thousand dollars and authorization to borrow the said sum under the provision of the municipal budget act are hereby legalized, ratified and



confirmed, and all votes and proceedings at the said meeting relating thereto are hereby legalized, ratified and confirmed.

On motion of Senator Cleveland, the reading of the amendment was dispensed with.

Senator Cleveland: "Mr. President, the amendment is to legalize the school meeting in the town of Danbury. The vote was confirmed, but they have to borrow their money from Boston. In anticipation of their being asked for legalization, we are doing it now because we hope that we will be out of here next week."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 466, relative to county conventions. Ought to pass.

Senator Cleveland: "Mr. President, this is a relatively simple bill that has to do with notifying of delegates to county conventions from unentitled places."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 347, requiring voting of county budgets annually. Ought to pass.

Senator Cleveland: "Mr. President, this is a non controversial bill that moved back the posting of county budgets by one month."

The bill was ordered to a third reading.

Senator Holmes, for the Committee on Judiciary:

HB 232, relating to the liability of landowners. Ought to pass.

Senator Cleveland: "Mr. President, the purpose of this bill is to encourage land owners to invite people on their land for hunting and fishing and recreation by clearly spelling out the limit of their liability."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

SB 72, providing for the election of county commissioners for the county districts of Merrimack County. Ought to pass.

Senator Cleveland: "Mr. President, this bill does for Merrimack County what a previous bill did for Coos County. It will go to the House where the Merrimack County delegation will have to decide on it."

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

SB 148, establishing the penalty for collusive bidding on contracts for public works or purchase. Ought to pass with amendment.

Amend section 1 of said bill by striking out in line nine thereof after the "or" the words, of any city, town or district, and substituting in place therefor the following words, any political subdivision thereof, so that said section as amended shall read as follows:

1 Collusive Bidding. Amend RSA 580 by inserting after section 30 the following new subdivision:

#### Collusive Bidding

580:31 Penalty. Any person or corporation who wilfully, knowingly, and with intent to defraud makes or enters into a contract, agreement, arrangement or combination to submitting a bona fide competitive bid to any department, board or agency of the State of New Hampshire or any political subdivision thereof on a contract for public works or purchase of equipment, supplies or other personalty, shall be fined not more than five thousand dollars or imprisoned for not more than two years.

On motion of Senator Cleveland, the reading of the amendment was dispensed with.

Senator Cleveland: "Mr. President, the amendment simply makes clear that the provisions of this act will apply not only to the state, but to all departments, boards, etc."

The amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Phillips, for the Committee on Judiciary:

HB 413, making it possible for trustees and custodians to invest in life insurance, endowment and annuity contracts. Ought to pass with amendment.

Amend said bill by striking out all after the enacting clause and substituting the following therefor:

1 Life Insurance. Amend RSA 564:18 by adding after paragraph IV thereof the following new paragraphs:

V In life insurance, endowment or annuity contracts, issued by any insurer authorized to do business in New Hampshire, on the life or for the benefit of any beneficiary of the trust.

2 Definitions. Amend RSA 463-A:1, V. by adding thereto the following new subparagraph:

(d) A life insurance, endowment or annuity contract on the life of or for the benefit of the minor.

3 Gifts to Minors. Amend RSA 463-A:2, I. by inserting after the word "money" in the second line the words, or a life insurance, endowment or annuity contract, so that said clause as amended shall read as follows:

I An adult person may, during his lifetime, make a gift of a security or money or a life insurance, endowment or annuity contract to a person who is a minor on the date of the gift.

4 Manner of Making Gift. Amend RSA 463-A:1, I by inserting therein the following new subparagraph:

(d) If the subject of the gift is a life insurance, endowment or annuity contract, by assigning it to himself, to another adult person or to a bank or trust company "as custodian for ..... under the New Hampshire  
(name of minor)  
Uniform Gifts to Minors Law."

5 Investment. Amend RSA 463-A:4 (supp) by adding to paragraph V thereof the following sentence:

The custodian may invest the custodial property in life insurance, endowment or annuity contracts on the life or for the benefit of the minor.

6 Takes Effect. This act shall effect sixty days after its passage.

On motion of Senator Cleveland, the reading of the amendment was dispensed with.

Senator Cleveland: "Mr. President, the title of this bill is self explanatory. The amendment changes the section of the general statutes that are amended."

The amendment was adopted, and the bill as amended was ordered to a third reading.

On motion of Senator Cleveland, the rules of the Senate were so far suspended as to revoke the order whereby HB 476, changing the name of the New Hampshire Tuberculosis Association, was referred to the Committee on Judiciary. On motion of the same Senator, the rules of the Senate were further suspended so as to place the above entitled bill on its third reading and final passage at the present time.

### **Third Reading & Final Passage of House Bill**

HB 476, changing the name of the New Hampshire Tuberculosis Association.

The President recognized Senator Buckley who stated that he would like to call the attention of the Senate to the fact that the Budget Analyst, Mrs. Mary Parsons, had been in the Chamber all during the session and had been very helpful and that he wished to express the thanks of the Senate for her assistance.

Senator English stated that he wished to compliment Senator Humphreys for stepping in at the last moment and doing such a fine job.

On motion of Senator Cleveland, the public hearing by Joint Committee on Finance and Resources, Recreation & Development was set for next Monday, June 19, 1½ hour after adjournment on the following entitled bills:

HB 346, establishing a department of resources and economic development merging therein planning and development, forestry, recreation, and transferring thereto for limited purposes the water resources board and the New Hampshire State Port Authority.

SB 75, reorganizing the Council of Resources and Development and providing an Executive Coordinator thereof.

On motion of Senator Caron, the Senate adjourned from the morning session.

### Afternoon Session

#### Third Reading & Final Passage of Bills

SB 72, providing for the election of county commissioners for the county districts of Merrimack County.

SB 147, pertaining to Dillant-Hopkins Airport.

SB 148, establishing the penalty for collusive bidding on contracts for public works or purchase.

SB 150, relative to the financing of the Lebanon Regional Airport and the contributions towards financing the same.

SB 151, legalizing the annual meeting of the town of Newbury.

SJR 10, creating the Nashua Airport Authority.

HB 185, relative to the issuance of short term loans for highway purposes.

HB 223, relative to the construction of a dormitory for women at the University of New Hampshire, and to be liquidated from income.

HB 382, relative to the construction of a dining hall at the University of New Hampshire, cost to be liquidated from income.

HB 443, relative to agreements with the University of Vermont.

HB 232, relating to the liability of landowners.

HB 413, making it possible for trustees and custodians to invest in life insurance, endowment and annuity contracts.

HB 373, making appropriations for expenses of certain departments of state for year ending June 30, 1962.

HB 374, making appropriations for expenses of certain departments of state for year ending June 30, 1963.

HB 347, requiring voting of county budgets annually.

HB 466, relative to county conventions.

## Guest

The President welcomed to the Senate, Attorney Richard F. Cooper of Rochester, former Republican National Committeeman.

The President recognized Senator Humphreys who stated that he had named the following as his emergency interim successors:

RSA 108-A, as inserted by Laws 1961, 51

I Cecil Charles Humphreys member of the N. H. State Senate from District 24 in accordance with the provisions of the above mentioned statute hereby appoint the following persons as my emergency interim successors and designate their rank as follows: The persons so designated are qualified under the constitution and statutes to hold the office to which I have designated them.

Name	Order of Succession
W. Douglas Scamman, Stratham, N. H. (Former member N. H. House of Representatives 7 terms; former Speaker of N. H. House of Representatives, 1957-1958)	1
Rae S. Laraba, 100 Pinehurst Rd., Portsmouth, N. H. (Former N. H. State Senator, 2 terms, 1945-1948)	2
Arthur J. Reinhart, 35 Middle Road, Portsmouth, N. H. (Former N. H. State Senator, 2 terms, 1941-1942 & 1949-1950)	3
Thornton N. Weeks, Sr., Greenland, N. H. (Former N. H. State Senator, 1951-1952)	4
Philip S. Drake, Rye Beach, N. H.	5
Dated June 12, 1961	Cecil Charles Humphreys (Signature of Representative)

Note The number to be designated shall not be less than three nor more than five. This designation shall be filed with the secretary of state.

On motion of Senator Holmes, the Senate adjourned at 6 P.M. in honor of Senator Humphreys for his very fine job in presenting the many committee amendments, and also in honor of today being Flag Day.

THURSDAY, JUNE 15, 1961

The Senate met according to adjournment.

### Leave of Absence

Senator Cheney was granted leave of absence for the day on account of illness.

### Guests

The following list of pupils in Grades 7 and 8 of Atkinson Academy at Atkinson, N. H., who were the guests of Senators Caron and Battles.

Atkinson Academy, Atkinson, N. H. — Grades 7 and 8  
Michael Sullivan, Mellissa Mitchell, Wilfred Santomass, Joseph Caswell, Chandler Farley, John Wood, Laurie McGregor, Sandra Bradley, Hope Ordway, Joanne Sullivan, Richard Huntress, James Lutz, Robert MacAuley, David Neily, John Rockwell, Linda Councilman, Patricia Hutchins, Beth Noyes, Beverly Hannon, Nancy Griffen, Lester Reed, Richard Chase, Joseph Gillan, William Salsmen, Donald Dinsmore, Jeffrey Jalotta, Nancy Hotchkiss, Jean Christopher, Sally Strong, Donna Post, Heidi White, Nancy Skofield, Douglas Rouleau, Philip Hannon, Daniel Bishop, Donna Moody, Paul Regan, Betty Bunting, Bonnie Jefts, Dale Hart, John Carpenter, Alan Carter, Joan Hurteau, Cynthia Perri, Loretta Zarembo, Jane Mallen, Kathleen Dever, Mrs. Beverly Carter, Mrs. Anna Santomass, Mrs. Barbara Huntress, Charles Yeaton, Miss Mary Kane.

Guests of Senator Marye Walsh Caron and Senator Nathan Battles.

As the guest of Senator Holmes, Mr. John Sandford of Amherst, New Hampshire.

As the guest of Senators Cleveland and Holmes, Dr. J. Duane Squires, Chairman, New Hampshire Civil War Centennial Commission.

As the guest of Senator Bergeron, Mr. Raymond Beaudoin of Rochester.



**House Message**

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 230, relative to liability for education of children in foster homes.

HB 297, relative to school buses.

HB 420, relative to unemployment compensation.

The Message further stated that the House has voted to concur with the Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

HB 407, relative to the workmen's compensation law.

The Message further stated that the House has voted to concur with the Senate in its amendments to the following entitled bills:

HB 411, relative to appointment of ballot inspectors.

HB 435, to include wild animals with respect to open seasons.

**Read and Referred**

To the Committee on Education:

HB 230, relative to liability for education of children in foster homes.

To the Committee on Transportation:

HB 297, relative to school buses.

To the Committee on Labor:

HB 420, relative to unemployment compensation.

**Introduction, First & Second Reading of Senate Bill and  
Senate Joint Resolution**

SB 153, relative to construction on educational buildings.  
(Battles) To Labor.

SJR 13, to continue the committee on investigation of gasoline and fuel oil prices. (Lamontagne) To the Committee on Rules.

On motion of Senator Lamontagne, the printing of the above Senate Joint Resolution was dispensed with.

### Committee Reports

Senator Cheney, for the Committee on Finance:

HB 418, relative to legislative mileage. Ought to pass.

The bill was ordered to a third reading.

On motion of Senator Battles, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### Third Reading & Final Passage of Bill

HB 418, relative to legislative mileage.

Senator Humphreys, for the Committee on Finance:

HJR 1, providing an appropriation for the Civil War Centennial Commission. Ought to pass.

Senator Dunnington: "Mr. President, this is a \$5,000 appropriation which would be given to the Civil War Centennial Commission which was set up several years ago. The original committee had no appropriation whatsoever, so this money would be used in the coming year and in the next year which are the two years classified as the Anniversary years."

The joint resolution was ordered to a third reading.

Senator Humphreys, for the Committee on Finance:

HJR 28, relative to operation and maintenance of Fort Dearborn state park. Ought to pass.

Senator Dunnington: "Mr. President, the past year our state has been given the ownership of Fort Dearborn which consists of 148 acres on the Atlantic Ocean, and is an outstanding site for a state park. This appropriation will just furnish money for a caretaker who will live on the property and keep people out. There are four barracks there and large dining hall — quite a lot of valuable property there. At the present

time, there are no definite plans as to how this site may be developed, but until such plans are made, our principal need there is for a caretaker to be on the grounds."

Senator Monahan: "Mr. President, I have followed this closely in the 1959 session and I thoroughly concur in the development of what will some day be a beautiful state park."

The joint resolution was ordered to a third reading.

Senator Holmes, for the Committee on Education:

SB 145, relative to teaching persons to drive. Ought to pass.

Senator Holmes: "Mr. President, this bill would not allow people under 21 years of age to serve as driving instructors to minors on the main highway. This was requested by Commissioner Clark who felt this was the one area concerning driving of minors where a restriction was needed in behalf of safety."

The bill was ordered to a third reading.

Senator Holmes, for the Committee on Education:

HB 279, relative to supervisory unions and teacher consultants. Ought to pass.

Senator Eaton spoke in support of the bill and explained: "Mr. President, this bill does four things. It changes the title of helping teachers to teacher consultants; takes the limitation off the provision limiting assistant superintendents; it gives a slight flexibility to the state by taking care of these assistant superintendents; and allows liability insurance for them."

The bill was ordered to a third reading.

Senator McMeekin, for the Committee on Military & Veterans Affairs:

HB 16, naming the Kancamagus Highway. Ought to pass.

Senator McMeekin: "Mr. President, I doubt if there is anyone here who does not know all about this highway. It also provides that the Commissioner of Public Works & Highways shall properly designate said Highway with signs thereon."

Senator Monahan: "Mr. President, I concur with the Committee Report. It died in the Senate two years ago and I hope that it does not meet the same fate this year."

The bill was ordered to a third reading.

Senator Drake, for the Committee on Fisheries & Game:

HB 324, relative to the registration and licensing of guides.  
Ought to pass.

Senator Drake: "Mr. President, this bill would establish within the Department of Fish & Game a registry for licensing guides. The registration fee will be \$6 which will defray the cost of establishing and maintaining this up-to-date registry for guides."

The bill was ordered to a third reading.

Senator Drake, for the Committee on Fisheries & Game:

HB 464, relative to licenses for taking clams and oysters.  
Ought to pass.

Senator Drake: "Mr. President, this bill does only one thing. It corrects what the 1959 session forgot. It provides that the agent will take out 20c before forwarding the money for licenses to the Department. Simply makes provision for the man to be paid who issues the licenses."

The bill was ordered to a third reading.

Senator Bunten, for the Committee on Ways & Means:

SB 88, to grant tax exemption to national veterans associations. Ought to pass with amendment:

Amend said bill by striking out section 1 thereof and inserting in place thereof the following:

1 Amend RSA 72:23-a by striking out in line 4 thereof the word "and" and inserting in said line 4 after the words Disabled American Veterans, the following, and any other veterans organization incorporated by Act of Congress or of its departments or local chapters or posts, so that said section as amended shall read 72:23-a (New) Veterans Organization. The real estate and the personal property owned, occupied and used directly by the Grand Army of the Republic, the United Spanish War Veterans, Veterans of Foreign Wars, the American Legion, the Disabled American Veterans and any other veterans organization incorporated by Act of Congress or of its departments or local chapters or posts, shall be exempt from taxation.

Senator Eaton: "Mr. President, the intent of the original bill was to include the Catholic War Veterans as a duly recognized veterans organization as the state statutes now provide for Veterans of Foreign Wars, D A V, etc. The Catholic War Veterans have had their charter before the U. S. Congress for 5 years for recognition. The Committee felt that upon recognition by our National Congress of their national charter, then this organization would be entitled to the same state provisions as do other veteran non profit organizations."

The amendment was adopted, and the bill as amended was ordered to a third reading.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House Bills:

HB 86, increasing the state guarantee of municipal bonds issued for water pollution projects.

HB 157, relative to retired members of the policemen's retirement system.

HB 170, to establish the office of judicial referee.

HB 174, relative to the salary of the Sheriff of Rockingham County.

HB 180, to increase the terms of office of the clerk and treasurer of the city of Nashua.

HB 264, relating to constitutional conventions.

HB 410, providing for training in safe handling of firearms by certain minors.

Robert S. Monahan  
For the Committee

The President recognized Senator Battles who moved that the Joint Committee on Finance and Resources, Recreation & Development be instructed to hold a Joint Committee hearing on HB 346, establishing a department of resources and economic development merging therein planning and development, forestry and recreation and transferring thereto for limited purposes the water resources board and the New Hampshire state port authority and SB 75, reorganizing the Council

of Resources and Development and providing an Executive Coordinator thereof, tomorrow morning at 10 A. M. in room 100.

Senator Cleveland spoke against the motion and questioned that this could be done under revised Rule 3.

Senator Battles spoke in support of the motion.

The President stated that he disagreed with Senator Cleveland, that he would entertain the above motion, and that a majority vote would be required.

(Discussion ensued)

Senator Holmes: "Mr. President, yesterday I told the Senator from the 23rd District that a hearing for Friday would be satisfactory to me. Then, later, I had understood that this was to be held on Monday, and not Friday. I dislike changing what has been once decided."

Senator Monahan: "I shall oppose the motion pending for several reasons. I believe the hearing should be held on Monday, out of courtesy to the public. The bill was heard in the House last March. Last Tuesday, it came into the Senate and now we are going to take immediate action. Next Monday, people will be able to be here. I think we can just as well have this hearing on Monday and we can then act on it on Tuesday."

Senator Eaton presiding:

Senator Humphreys: "I am now compiling a list of the bills that I have in the Finance and Joint Committees and the action that I contemplate and the hearings that I have set, executive sessions, etc. I would like to get these bills out of the way. We have postponed it already a day. If the Senate expects the Finance Committee to complete this work load on these bills, we must move. I would support the motion."

(Discussion ensued)

Senator Drake: "Mr. President, I think there has been a great deal of confusion about this matter. First, no notice of hearing. I think it is improper for the committee chairman to do this. We have discussed this on two different days now. I think in all fairness to the public that we should have this hearing on Monday."

Senator Lamontagne stated that he was interested in expediting the session and would be in favor of the motion.

Senator Green: "I have only one purpose in supporting the motion and that is to get our work done and get out of here."

Senator Provost moved the previous question, Seconded by Senator Caron.

Senator Green presiding.

Question being on motion for previous question.

On this question, the President requested a Division vote.

Ten Senators having voted in the affirmative, and twelve Senators having voted in the negative, the negative prevailed, and the motion for previous question did not carry.

(Discussion ensued)

Question being on motion of Senator Battles.

Senator Humphreys spoke in support of the motion.

Senators Monahan, Cleveland, McMeekin and Eaton spoke against the motion.

Senator Eaton moved the previous question. Seconded by Senator Dunlap.

On a *viva voce* vote, the affirmative prevailed, and the motion for previous question carried.

Question being on motion of Senator Battles.

On this motion, Senator Daniel demanded a Roll Call.

The Clerk proceeded to call the Roll.

The following named Senators voted in the affirmative: Senators Lamontagne, Sawyer, Phillips, English, Provost, Daniel, Bergeron, Dunnington, Buckley, Battles, Humphreys, and Green.

The following named Senators voted in the negative: Senators Drake, McMeekin, Monahan, Gardner, Cleveland, Dunlap, Eaton, Holmes, Paquette, Bunten and Caron.

Twelve Senators having voted in the affirmative, and eleven Senators having voted in the negative, the affirmative



prevailed, and the motion of Senator Battles for Joint Committee hearings on the 2 bills for tomorrow morning carried.

Senator Battles moved that the Senate reconsider its vote on the above motion.

Senator Cleveland spoke in support of the motion and urged the members of the Senate to vote to reconsider the vote.

Senator Eaton stated that he concurred with the remarks of Senator Cleveland.

Senator Bergeron spoke against the remarks of Senator Cleveland. Also Senator Battles.

Senator Lamontagne presiding.

Senator Green spoke against the motion to reconsider and urged the Senate to vote no on the motion.

(Discussion ensued)

The President presiding.

Senator Holmes: "Mr. President, I wish to repeat again that I told Senator Battles yesterday that Friday was agreeable to me, feeling that it gave fair time for further notification. I thought it was a fair thing to make it for Friday. Therefore, I do not feel responsible for making that same vote today. I feel that we have not had the leadership in the Senate to which we are entitled. I object to this play by ear — it would only take a few minutes to straighten this out. I voted with the Senator from the 7th District, but I do respect this decision of 12 to 11."

Senator Caron moved the previous question. Seconded by Senator Provost.

On a *viva voce* vote, the affirmative prevailed.

Main question being on motion of Senator Battles for reconsideration of the vote.

On this motion, Senator Cleveland demanded a Roll Call.

The Clerk proceeded to call the Roll.

The following Senators voted in the affirmative: Senators Drake, McMeekin, Monahan, Gardner, Cleveland, Dunlap, Eaton, Holmes, Paquette and Bunten.

The following named Senators voted in the negative: Senators Lamontagne, Sawyer, Phillips, English, Caron, Provost, Daniel, Bergeron, Dunnington, Buckley, Battles and Humphreys.

Ten Senators having voted in the affirmative, and twelve Senators having voted in the negative, the negative prevailed, and the motion for reconsideration was lost.

### Special Order of Business for 11:01

Senator Battles called for the Special Order. Being on report of Judiciary Committee on SB 142, to establish a uniform motor vehicle certificate of title and anti-theft act to refer the bill to an Interim Study Committee.

Senator Battles offered the following amendment to the resolution:

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

*Resolved* by the Senate, the House of Representatives concurring, that Senate Bill No. 142, An Act to establish a Uniform Motor Vehicle Certificate of Title and Anti-Theft Act, be referred to a special study committee of six members. The commissioner of motor vehicles and the attorney general shall be ex-officio members of said committee, provided that the attorney general may designate one of his assistants to act as ex-officio member in his place. The remaining four members shall be appointed by the governor as follows: One of said members shall be a representative of the New Hampshire Automobile Dealers Association, one of said members shall be a representative of the commercial banks of this state, the third shall be a New Hampshire resident representing the general public, and the fourth shall be a member of the Town Clerk's Association. The members of the committee shall serve without compensation. Said committee shall make a report of its findings and recommendations to the 1963 legislature.

Senator Eaton in the Chair.

On a *viva voce* vote, the amendment to the resolution was adopted.

On a *viva voce* vote, the resolution as offered by the committee as amended was adopted and the bill was referred to the Interim Study Committee for further study.

**Special Order of Business for 11:02**

Senator Battles called for the Special Order.

HB 381, relative to the taxation of livestock and poultry.

Question being on motion of Senator Bunten to substitute the words, ought to pass, for the recommendation of the Committee, inexpedient to legislate.

Senator Battles spoke in support of the motion to substitute and stated that he was doing so at the request of the administration and also with the thought in mind that this is a part of the Republican Party Platform. Stated that he would hope that the Republican members of this Senate as well as the Democratic members of the Senate would support this motion.

The President presiding.

Senator Eaton, as Chairman of the Ways & Means Committee, spoke against the motion and in support of the committee report, inexpedient to legislate.

Senator Bunten stated that he was a member of the Ways & Means Committee and that he did not put in a Minority report, but that he did feel the bill was a step in the right direction.

Senator McMeekin spoke against the motion to substitute.

Senator Caron stated that she wished to go on record as being in favor of this bill as it was a part of the Democratic Party Platform. Stated that they had put it in last fall and that they really believed in it.

Senator Holmes stated that she was also a member of the Ways & Means Committee and did not vote to report the bill as inexpedient. Stated that she would support the amendment as ought to pass on the basis that the stock and trade tax should be considered as well as this. "The people who oppose it, call me privately, but do not appear in public. Also people who have supported the bill have called me. I can see both sides of the question. I still think some thought should be given to the stock and trade tax. We all know where the money is coming from to make up any reduction in this tax — it will be paid by the real estate owners. But many of these owners of real estate are

farmers. If this \$1,000 is important enough in comparison with what other states do, then I will support it. I have no strong feeling on this matter, one way or another."

Senator Buckley stated that he was well acquainted with the poultry industry. In the past, he had gone along with this bill, but that he had changed his decision. Stated that he had never heard from any poultry growers in this state. Stated that he would vote with the committee.

Senator Lamontagne spoke in opposition to the motion.

(Discussion ensued)

Question being on motion to substitute.

On a *viva voce* vote, the negative prevailed, and the motion to substitute was defeated.

Senators Battles, Caron and Gardner desired to be recorded as voting in favor of the bill.

Question now being on adoption of committee recommendation, inexpedient to legislate.

On a *viva voce* vote, the affirmative prevailed, and the recommendation of the committee was adopted.

### **Special Order of Business for 11:03**

Senator Drake called for the Special Order.

Question being on motion of Senator Cleveland that further consideration of SB 70, prohibiting suspension of liquor licenses without hearing be referred to the Judicial Council.

On a *viva voce* vote, the affirmative prevailed, the motion of Senator Cleveland carried, and the bill was referred to the Judicial Council.

### **Special Order of Business for 11:04**

Senator Battles called for the Special Order.

Being consideration of HJR 18, relative to the operating expenses of education television station, WENH-TV, Channel 11, Durham, N. H.

Senator Gardner offered the following amendment:

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

The sum of twenty-five thousand dollars is hereby appropriated for the period from the date of the passage hereof to June 30, 1962 and a like sum for the fiscal year ending June 30, 1963 for the purpose of contributing to the operating expenses of educational television station WENH-TV channel 11, operated by the University of New Hampshire with the advice and counsel of the New Hampshire Educational Broadcasting Council, Inc., in strict conformance with the Federal Communications Commission rules and regulations on the discussion of public issues. In addition to the appropriation hereinbefore made there is hereby appropriated a sum not exceeding fifteen thousand dollars for the fiscal year ending June 30, 1962 and a like sum for the fiscal year ending June 30, 1963 which sum shall be available or any part thereof for the same purposes, provided there is raised and appropriated by school districts in the state sums for the operating expenses of said educational television on an equal matching basis. The sums hereby appropriated by the state and the sums appropriated by school districts shall be expended for the operation of said television station through the New Hampshire College of Agriculture and the Mechanic Arts and the University of New Hampshire. Any balance of the state appropriation made for the year ending June 30, 1962 may be expended in the following fiscal year provided that this shall not apply to the appropriation which is to be matched by school district funds. The governor is authorized to draw his warrants for the sums hereby appropriated by the state out of any money in the treasury not otherwise appropriated.

Senator Gardner: "Mr. President, educational TV is one of a very important program which is offered to Adults as well as the children of this state. Many varied programs are offered to the children of our state which are not otherwise available, especially to those through the sixth grade. I feel the appropriation should be for more than I now suggest. I would like to see funds which would make programs available through the seventh and eighth grades because many pupils graduating from the small rural schools would have the advantage of a broader depth in their education.

"Some of these schools now are of necessity limited to one teacher to a school or teachers who have one or more grades. I

believe there are more than 200 school districts. On top of already heavy budgets this provision is an increased burden; subscriptions do not come easy.

"I know of one school who had suppers to raise money to buy a TV set so they could take advantage of this program. That same school has had to raise money by outside benefits to provide screens for the school and tables for their lunch room because their budget would not provide them. This is only one instance to point out to you how difficult it will be to raise the full amount of matching money as the bill came in from the House. All people appearing before the committee were in favor of this bill: Representatives from Civil Defense; American Cancer Society; Dartmouth College; Federated Women's Clubs (of which there are 1200 members); American Assn. of University Women; Principal of Elementary Schools in Portsmouth; Secretary of Council of Churches; Christian Civic League; Parent Teacher Organizations; American Red Cross; Audubon Society of N. H.; N. H. Federation of Garden Resources Council; Wildflower Assn.; Representatives of 4-H Clubs, 466 clubs and 1266 members, with 596 adult leaders."

Senator Caron stated that she concurred wholeheartedly with the remarks of Senator Gardner.

Senator Holmes: "Mr. President, two years ago, on this Senate floor, I supported this bill and I congratulate the Senate Finance Committee in approving this appropriation and going forward. I congratulate them on using a new medium. I wish to be recorded in wholehearted support of this joint resolution."

Senator English stated that he had worked on this project and that he thought a good many benefits had been derived and that he believed that this was a step forward.

On a *viva voce* vote, the amendment was adopted, and the joint resolution as amended was ordered to a third reading.

### House Message

Mr. President:

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled bills sent down from the Senate:

HB 373, making appropriations for the expenses of certain departments of the state for the year ending June 30, 1962.

HB 374, making appropriations for the expenses of certain departments of the state for the year ending June 30, 1963. and requests a Committee of Conference; the Speaker has appointed as members of said Committee of Conference on the part of the House of Representatives:

Messrs. Clement of Rochester, Shepard of Londonderry; Goode of Manchester; King of Manchester and Belcourt of Nashua.

On motion of Senator Humphreys, the Senate voted to accede to the request of the House for a Committee of Conference on the above entitled bills.

Pursuant to the above, the President appointed as members of such Committee on the part of the Senate, Senators Humphreys, Dunnington and Caron.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time.

### Afternoon Session

#### Third Reading and Final Passage of Bills and Joint Resolutions

SB 88, to grant tax exemption to national veterans associations.

SB 145, relative to teaching persons to drive.

HB 279, relative to supervisory unions and teacher consultants.

HB 16, naming the Kancamagus Highway.

On motion of Senator Monahan, the Senate refused to reconsider its vote whereby it passed HB 16, naming the Kancamagus Highway.

HJR 1, providing an appropriation for the Civil War Centennial Commission.

HJR 28, relative to operation and maintenance of Fort Dearborn state park.



HJR 18, relative to the operating expenses of education television station, WENH-TV, Channel 11, Durham, N. H.

HB 324, relative to the registration and licensing of guides.

HB 464, relative to licenses for taking clams and oysters.

On motion of Senator Battles, the Senate adjourned at 1:30 P.M. to meet next Monday morning, June 19th, at 11 o'clock.

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MONDAY, JUNE 19, 1961

The Senate met according to adjournment.

### **Prayer**

Prayer was offered by the Chaplain, Reverend George Pennington, as follows:

Eternal God, we pause in our day's work to seek Thy counsel for the Honorable Senate of New Hampshire as it presses toward the closing days of this session of the General Court. Where, in the interest of the people of our State, there has been need for close examination of proposed legislation, where careful deliberation has been required, where long hours of study and frank and open discussion have been helpful we have been heartened by the companionship of Thy Spirit providing a sense of commitment to the members of this body.

So may it be in these last days that what needs doing in the public interest may be accomplished expeditiously and what well may be left undone shall be treated accordingly. Amen.

### **Pledge of Allegiance to the Flag**

Senator Lamontagne led the Senate in the Pledge of Allegiance to the Flag.

### **Guests**

As the guest of Senator Paquette, Mr. Wilfrid Cassista of Nashua.

### Welcome

The President welcomed back to the Senate, Senator Cheney, who had been ill for several days.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills and joint resolutions, in the passage of which it asks the concurrence of the Honorable Senate:

HB 300, relative to the charter of the Plymouth Guaranty Savings Bank.

HB 477, to redistrict the state into Senatorial districts.

HB 482, to revise the charter of the city of Nashua.

HB 188, amending the charter of the city of Somersworth.

HB 486, providing for an additional appropriation for expenses of the Legislature.

HB 395, relative to free registration number plates for emergency vehicles.

HJR 43, in favor of the estate of Francis P. Plante.

HJR 36, in favor of Fred Lahaye.

The Message further stated that the House has voted to concur with the Senate in its amendments to the following entitled bill:

HB 413, making it possible for trustees and custodians to invest in life insurance, endowment and annuity contracts.

The Message further stated that the House has voted to concur with the Senate in the passage of the following entitled bills, sent down from the Senate:

SB 69, providing for the disposition of certain abandoned property.

SB 133, to enlarge the rights of students under 21 years of age to contract to borrow money to finance higher education.

SB 138, to provide for recording of instruments and acts in unincorporated places which have no clerk.

The Message further stated that the House has passed the following Concurrent Resolution, in the passage of which it asks the concurrence of the Honorable Senate:

### **Concurrent Resolution**

Resolved by the House of Representatives with the Senate concurring,

That the General Court of the State of New Hampshire does hereby fix January 1, 1963 as the effective date of the amendment to Article 15, Part Second of the Constitution approved by the qualified voters of the state at the meetings held on the Tuesday next following the first Monday in November, 1960.

The President stated that he would refer the above Concurrent Resolution to the Committee on Rules.

### **Read and Referred**

To the Committee on Banks & Insurance:

HB 300, relative to the charter of the Plymouth Guaranty Savings Bank.

To a Committee consisting of all Senators, with Senator Humphreys to act as Chairman of Committee. (On motion of Senator McMeekin)

HB 477, to redistrict the state into Senatorial districts.

To the Committee on Judiciary:

HB 482, to revise the charter of the city of Nashua.

### **Order Revoked**

The President announced that he would revoke the order whereby he had ordered the above bill, HB 482, to the Committee on Judiciary, and would re-refer the bill to the Committee on Ways & Means.

To the Committee on Judiciary:

HB 188, amending the charter of the city of Somersworth.  
To the Committee on Transportation:

HB 395, relative to free registration number plates for emergency vehicles.

To the Committee on Claims:

HJR 36, in favor of Fred Lahaye.

The following entitled bill was read a first and second time:

HB 486, providing for an additional appropriation for expenses of the Legislature.

On motion of Senator Cheney, the rules of the Senate were so far suspended as to dispense with Committee referral of the above entitled bill.

On motion of the same Senator, the rules were further suspended to place the above bill on its third reading and final passage at the present time.

### **Third Reading & Final Passage of Bill**

HB 486, providing for an additional appropriation for expenses of the Legislature.

The following captioned resolution was read a first and second time:

HJR 43, in favor of the estate of Francis P. Plante.

On motion of Senator Cheney, the rules of the Senate were so far suspended as to dispense with Committee referral of the above captioned resolution.

On motion of the same Senator, the rules were further suspended to place the above captioned resolution on its third reading and final passage at the present time.

### **Third Reading & Final Passage of Joint Resolution**

HJR 43, in favor of the estate of Francis P. Plante.

### **Committee Reports**

Senator Dunlap, for the Committee on Banks & Insurance:

HB 447, relative to use of funds by credit unions. Ought to pass.

Senator Dunlap: "Mr. President, this bill would entitle or allow credit unions to hold real estate, furniture and fixtures, etc. and otherwise provide themselves with necessities

for continuing their business. A good indication of why this is needed — the state credit union is located in an old bank building and from time to time changes or alterations have to be made. There has been some question about their right to spend money without authorization and this would give them the kind of authorization that banks, trust companies, now enjoy. The committee recommends that the bill ought to pass.”

The bill was ordered to a third reading.

Senator English, for the Committee on Claims:

SJR 11, in favor of Mrs. Hattie M. Drake. Ought to pass.

Senator English: “Mr. President, the Claims Committee considered the case of Mrs. Hattie Drake whose husband was shot in a hunting accident. Senator Drake and Representative O’Shan appeared. This is a claim against the Fish & Game funds to supplement other income that Mrs. Drake has to support her seven children.”

Senator Gardner: “Mr. President, needless to say, I hope this bill passes.”

On motion of Senator English, the rules of the Senate were so far suspended as to dispense with referral of the joint resolution to the Finance Committee.

On a *viva voce* vote, the joint resolution was ordered to a third reading.

Senator Humphreys, for the Committee on Finance:

SJR 12, to pay certain judgments against the state of New Hampshire. Ought to pass.

Senator English: “Mr. President, as the result of a New Hampshire National Guard plane crash in Worcester, Mass., July 18, 1957, there has arisen against the State of New Hampshire claims totaling \$73,050. This claim has been before the courts of the State of New Hampshire and it has been found to be a valid claim against the State. It should be noted that there is every reason to think that the State subsequently will collect from the federal government the amount involved, as a bill, S1942, is now pending in the Congress. The subcommittee recommends that the joint resolution ought to pass.”

The joint resolution was ordered to a third reading.

Senator Humphreys, for the Committee on Finance:

HJR 15, providing funds for completion of forest conservation aid payments. Ought to pass.

Senator English: "Mr. President, due to the economic recession, the amount received by the Tax Commission will not be sufficient to cover the payment of forest conservation aid to some nineteen towns. The law requires that this amount be paid and this Joint Resolution would provide the Tax Commission with the money to meet this obligation. The Committee recommends that same ought to pass."

The joint resolution was ordered to a third reading.

Senator Humphreys, for the Committee on Finance:

HJR 3, providing funds for state nursing scholarship program. Ought to pass.

Senator English: "Mr. President, Mary Madden, Norma Brown, Brenda Moore and Senator Gardner appeared in favor of this bill which appropriates \$25,000 for the purpose of providing for scholarship aid to students in nursing. The amount was cut in half by the House Committee. The program, which has been in effect for several years, has already assisted 195 students to become registered nurses, nine to be practical nurses and thirty persons, already nurses, received advanced training. The subcommittee voted unanimously, ought to pass."

Senator Gardner: "This bill is very important. Many girls have had an opportunity to enter training since state nursing scholarships were available that could not have done so otherwise.

"A girl training for a teacher and many other careers she might seek has the summer season to help earn part of her expenses. However, once a girl enters training she has no way of helping herself financially as there are no summer vacations.

"There is a shortage of nurses.

"Because of more demands upon training schools scholastically and because of the increase to them financially we have lost several of our training schools over the past few years.

"Therefore anything we can do to make it easier for those who do desire to train I think would be money well spent."

Senator Holmes: "Mr. President, I wish to register my support of this bill."

The joint resolution was ordered to a third reading.

Senator Humphreys, for the Committee on Finance:

SJR 2, providing an appropriation toward the repair and improvement of the Berlin or Nansen ski jump, so-called. Ought to pass.

Senator Lamontagne: "Mr. President, the Finance Committee in reporting this resolution at this late date, due to no fault of the Finance Committee, noticed that the Nansen Ski Club had incorporated themselves for running ski events. When this was discovered it looked like this resolution was for a private concern, and to be truthful it had me worried. The Chairman of the Finance Committee had me look into this matter and I found that the land was deeded to the City of Berlin, New Hampshire for the purpose of erecting a ski jump in the township of Milan, New Hampshire. All of these deeds have been turned over to the Chairman of the Finance Committee along with the plans of the ski jump, together with photos showing how necessary it is to have repairs to this ski jump before it becomes a complete loss.

"The total amount it will cost for the repairs to the ski jump and the ski hill has been estimated to be \$15,000. I, as Mayor of the City of Berlin, New Hampshire, and the members of the Council have gone on record in asking the state for \$5,000 to help to pay part of the cost to repair this ski jump which is known all over the world. Many of our tourists make a special trip to see the highest steel ski jump in the United States. With the help of the state and the help of the City of Berlin we will be able to put this ski jump back into operation for this coming winter.

"I would urge every Senator to give us this support."

The joint resolution was ordered to a third reading.

Senator Humphreys, for the Committee on Finance:

HB 58, establishing a division of records management and archives. Ought to pass.

Senator English: "Mr. President, this bill sets up a system for taking care of the archives of the State of New Hampshire.



An amendment to this bill which appears in the House Journal of June 6th provides the sum of \$143,000 for the purpose of constructing a record center. The annual cost of maintenance would be approximately \$16,000 annually. The bill also provides a study for the procedure in handling and the control of archives and for this purpose, \$16,000 as a one sum payment is authorized. The committee reports, ought to pass. I understand that the Governor has given his approval. Perhaps Senator Dunnington may have some information to add."

Senator Dunnington: "Mr. President, this bill really started back in 1955 when that session appropriated a sum of \$4,000 to make a study of records management in this state. They hired a firm headed up by Mr. Leahy, who is a nationally known expert in this field. He is the same man that was hired by the Hoover Commission, who saved the federal government \$34,000 in four years. Mr. Leahy made a report which, based on 1956 costs, indicate our records keeping cost the state \$1,700,000. In 1961, would be \$2,000,000 minimum. In this Leahy report, the findings indicated that very sizeable savings could be made in this manner of handling records. Mr. Leahy is doing this kind of work every day in the field of industry and all business organizations. He is not just guessing at his estimates — they are based on actual knowledge. He states that this would be a saving of \$40,000 in the first year by getting rid of the valueless papers now in the files. There would be an additional saving every year of at least \$110,000. This would come from storing records seldom used in a separate low cost center and leaving the active ones in another file. Also would have all the historical records, now stored all over the city of Concord, in one place. This bill has been passed by the House and has the approval of the Governor; Leonard Hill, Walter Meade, from Department of Administration & Control; Mrs. McKay, State Library. This bill appropriates \$7,695 in the first year for salaries and expenses for a director. In addition, there is a consulting fee of \$16,000 to be paid Mr. Leahy, who will train our new director and set up the whole records management program. In the second year, the total appropriation is \$15,844.64. This covers all personnel and expenses and equipment of running this Record Center. The total cost of the building, including all equipment is \$143,352.04. This financing would be spread over a period of 20 years."

Senator Buckley presiding.

Senator Holmes inquired of Senator Dunnington: "I am not opposing this bill, but did I hear you say that the salary would be \$16,000 to train a new director?"

Senator Dunnington replied in the affirmative and stated that he would set up the whole procedure and train the new director.

Senator Holmes inquired: "Why cannot someone be hired to do this without paying to train some special person?"

Senator Dunnington replied: "Anybody qualified to do this would be somebody trained by Mr. Leahy. If you wish a good system, it has to be started right."

Senator Drake inquired if any land purchase was involved and where would this center be located.

Senator Dunnington: "On the grounds of the state hospital, so that their heating plant may be used. In a low cost area and on present state property."

The bill was ordered to a third reading.

Senator Caron desired to be recorded as voting against this bill.

Senator Eaton presiding.

Senator Humphreys, for the Committee on Finance:

HB 412, relative to additional grants of school building aid. Ought to pass.

Senator English: "Mr. President, the bill provides additional school building aid. It is an amendment to RSA 198:15, provides additional school to aid already authorized by that statute.

(Discussion ensued)

Senator Buckley stated that he had several unanswered questions and would move that further consideration of the bill and committee report be made a Special Order of Business for tomorrow morning at 11:01.

Senator Buckley presiding.

On a *viva voce* vote, the motion for Special Order carried.

Senator Humphreys, for the Committee on Finance:

HB 363, relative to education for intellectually retarded children. Ought to pass.

Senator English: "Mr. President, HB 363 to many is the most important Bill of the session. It concerns classes and instruction for retarded children.

"As passed by the House Education Committee it was acceptable to those most concerned and, I have been told, to the Governor. The appropriation under this Bill was substantially cut by the Appropriations Committee and came to the Senate in a form which left, to say the least, much to be desired financially.

"Among other things \$12,000 to be used by the State Board in administering and setting up the new procedure was eliminated. The Senate Committee felt that the reading of the text provided for necessary expenditures by the State Board and meant that those sums be taken from the overall amount. It is likely that the House Appropriations Committee read the text in the same manner or they would not have made this cut.

"To make this point perfectly clear, normally an amendment would be offered but at this late date in the session this statement of legislative intent we feel should suffice. In approving this Bill the Committee intends that an amount not exceeding 10% of the total be for the State Board administration."

Senator Caron inquired how much the committee had cut this bill.

Senator English replied: "From \$75,000 the first year to \$50,000. The second year, \$117,000 reduced to \$75,000."

Senator Holmes: "Mr. President, I would like to make two statements. First, I would like to state that I am very unhappy about the way the Education Committee has been bypassed on bills of great concern. We did hear this bill jointly with Finance, but it is not so listed in the Journal. I wish this to be recorded. We have a fine Education Committee and I do not like to see it bypassed. The House Education Committee has had some of these Education bills for months, and then they come into the Senate and we are asked to push them through immediately. In regard to HB 312, personally, I am in favor of increasing this appropriation, but I will not oppose the bill. I do not wish to jeopardize it. I did offer a suggestion

in Committee for it to go back to a higher figure. One important point of this bill was that state education asked for \$12,000 for administration expense. The House took that out subsequently. We did hear this bill with the Finance Committee and I think most of the Education Committee is definitely in favor. Some of these bills that are coming in here and rushed through the Finance Committee, our Education Committee is not even being notified of hearings on them and I protest."

(Discussion of the bill ensued)

Senator Green: "This is an entirely new program. I think two years this died in committee. This would start off a program for retarded children. Insofar as the amount is concerned, this is just a start. All the Senate Committee is doing is, after advice, going on with the House suggestions. The appropriation from the state is entirely new. Some cities, like Manchester, have a retarded children program. This is just a start and I think that we would do well to get this started."

Senator Eaton: "I gave my vote to the committee on this bill because of the late hour. I wish to take great exception to the action in the House. I think we stand very poor in the eyes of the public when we vote ourselves \$90,000 and then approve such a small appropriation for such a worthy cause. I still support the little financing that is going on."

Senator Caron: "Mr. President, I wish to go on record as being very disappointed that the committee cut this bill. I don't think that \$50,000 or \$75,000 on the second year is a drop in the bucket. There are 87 or more retarded children in the city of Manchester. We have two teachers that teach them. All the reports that I have received from Manchester are definitely against cutting this bill."

Senator Daniel: "Mr. President, I am in agreement with the Senator from the 17th District. I have heard the same reports."

The bill was ordered to a third reading.

Senator Humphreys, for the Committee on Finance:

HJR 25, providing supplemental appropriation for school building aid. Ought to pass.

Senator English: "Mr. President, this provides the sum of \$58,020 to be appropriated for the fiscal year ending June 30,

1961. This amount provides the full entitlement under RSA 198:15-a; the amount appropriated in the last session was insufficient to implement the formula and the amount available was pro rated. The committee reports, ought to pass."

The joint resolution was ordered to a third reading.

Senator Humphreys, for the Committee on Finance:

HJR 34, providing for a study into the feasibility of state participation in cost of group insurance for state employees. Ought to pass.

Senator English: "Mr. President, this resolution provides for a study of the feasibility of group insurance. The committee reports, ought to pass."

The joint resolution was ordered to a third reading.

Senator Humphreys, for the Committee on Finance:

SB 90, establishing minimum service retirement benefits.

To refer to Legislative Council.

On a *viva voce* vote, the recommendation of the committee was adopted, and the bill was referred to the Legislative Council.

Senator Caron, for the Special Committee consisting of the Manchester Senators:

HB 372, relative to municipal elections in the city of Manchester. Ought to pass.

Senator Caron: "Mr. President, this is to legalize elections in the city of Manchester. The vote of the people of Manchester was 13,608 voted in favor and about 9,000 voted against. The Senators from Manchester voted unanimously that we would have a non-partisan election in Manchester next year."

Senator Green: "The report of the committee was unanimous. Two years ago, there is no doubt that the bill signed by the Governor was not the bill that passed the Legislature. I personally feel that we are ratifying and legalizing something that we had not authorized in the first place. However, some Democrats in Manchester feel that this will straighten the matter out. Rather than making it an issue, I feel that this bill would warrant being passed in this form."

The bill was ordered to a third reading.

The President in the Chair.

The President recognized Senator Monahan for the following remarks.

"Mr. President: You will recall that last Thursday the Senate, by a 12-11 vote, ordered the Joint Finance and Resources Committee to hold a hearing less than 24 hours later on HB 346, as amended by the House, and on SB 75, still awaiting its first hearing since introduction on March 7.

"The Senate should be interested to know that the hearing was held, as agreed upon by that vote. It started soon after ten o'clock with only four of the eleven members present. At no time did more than six members listen to the testimony presented for and against the bills.

"Throughout the hearings four of the five members of the Resources Committee were present: Sen. Battles, Sen. Drake, Sen. Daniel and myself. From the Finance Committee, only Sen. Buckley attended the forenoon session and Sen. Gardner after eleven o'clock. Both had previous commitments that limited their time.

"Yet, this is the same Finance Committee, whose acting chairman insisted upon hearings Friday morning and with full knowledge that three of its members would be otherwise engaged all that day as members of the Committee of Conference on the important budget bills.

"I still maintain, Mr. President, that the public was given a cold shoulder by such precipitate action on our part. A score of witnesses, some representing important state-wide organizations, did manage to attend the hearing, which continued for more than four hours, to oppose HB 346 and support SB 75. None of them, I might add, was requested to attend by the Senators from the Second and Fifth Districts. Many who could not testify because of the short notice filed telegrams and other messages protesting the lack of notice for what seemed to them an important hearing.

"I might also add, Mr. President, for the information of the Senate, that only one individual supported HB 346 as amended to establish a Department of Resources and Economic Development, and only the same individual opposed SB 75 to

strengthen the existing Council on Resources and Development. He was the paid lobbyist for the Governor.

"The point of my remarks is that the record now clearly shows the disputed hearing could have been held today with greater possibility of more members of both committees participating, with an executive session after the hearing, and a committee report acted upon tomorrow — the same day when it will be considered anyway.

"Thus, we have gained nothing in time and we have lost the respect of the public. As but a single illustration of what I mean, one of my constituents happens to be Corey Ford, nationally known author and internationally-traveled sportsman, who has lived in Carroll and Grafton Counties for thirty years. He has *voluntarily* informed me that if the Senate approves HB 346, he will have published in a nationally circulated popular magazine an article describing what he calls "a horrible example" (and those are his own words — not mine) of what happens when power politics concerns itself with the management of our natural resources. Col. Ford believes an article describing how the custody of our natural resources could become a political football would be an "automatic," as he puts it, in any of the widely read magazines 'that accept his frequent writings.'

"If this should happen, we shall indeed have paid a heavy price in degrading the reputation of New Hampshire throughout the country. This is not intended as a threat, but merely as an example of what can happen when the public thinks its rights are disregarded."

The President stated that the man the above Senator referred to as "the paid lobbyist for the Governor" is the Legislative Counsel for the Governor.

Senator Caron stated she would like it a matter of record that she arrived in the building shortly after 9:30 on Friday morning. That she attended a part of the hearing, but had to attend a meeting of the Finance Committee and that she was in the building until 7:30 P. M.

Senator Gardner stated that she had had a State Board of Public Welfare meeting and that the Committee knew that before we voted that day. Stated that she came in right after that meeting.



Senator Humphreys stated that it was by vote of the Senate that the Committee hearing was held on Friday.

(Discussion ensued)

The President recognized Senator Cleveland: "Mr. President, I would refer to the vote on Page 760 of the Senate Journal of last Thursday. I was out of the room or I would have asked to be recorded in favor of the bill, Being HB 381, relative to the taxation of livestock and poultry. Also, I wish to compliment the Senator from the 5th District on his presentation. I thought it excellent."

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time.

### Afternoon Session

#### Third Reading and Final Passage of Bills and Joint Resolutions

SJR, providing an appropriation toward the repair and improvement of the Berlin or Nansen ski jump, so-called.

SJR 11, in favor of Mrs. Hattie M. Drake.

SJR 12, to pay certain judgments against the state of New Hampshire.

HJR 15, providing funds for completion of forest conservation aid payments.

HJR 34, providing for a study into the feasibility of state participation in cost of group insurance for state employees.

HJR 3, providing funds for state nursing scholarship program.

HJR 25, providing supplemental appropriation for school building aid.

HB 372, relative to municipal elections in the city of Manchester.

HB 58, establishing a division of records management and archives.

HB 363, relative to education for intellectually retarded children.

HB 447, relative to use of funds by credit unions.

On motion of Senator Paquette, the Senate adjourned at 12:45 P. M.

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TUESDAY, JUNE 20, 1961

The Senate met according to adjournment.

### **Guests**

As the guests of Senator Phillips, Miss Annette Lambert of Claremont, Miss New Hampshire of 1961. Also, Mrs. Rowena Daniels, also of Claremont.

As the guests of Senator Lamontagne, his daughter, Miss Nancy Lamontagne, and Miss Vivian Bergeron, both of Berlin.

As the guests of Senator Eaton, Mr. and Mrs. Maynard Sanders and children Susan, James and Sandy. Also Miss Holly Harkness of Charlotte, North Carolina, and Miss Linda Wentworth of Princeton, New Jersey. Also, the son of the Senator, Charles, Jr. and friend, Keith MacMahon, both of Stoddard, who have just returned from Durham where they won the County demonstration for 4 H work.

### **Introduction, First & Second Reading of Senate Bill**

SB 154, legalizing the proceedings of the annual school district meeting of Kensington, held March 11, 1961 and adjournment to May 20, 1961 and authorizing a bond issue accordingly. (Battles) To the Special Committee, consisting of Senators Battles, Humphreys and Buckley.

On motion of Senator Battles, the printing of the above entitled bill was dispensed with.

### **Report of Committee of Conference**

The Committee of Conference, to whom was referred House Bill No. 46, An Act providing for salaries for classified

state employees, having considered the same, report the same with the recommendation that the house recede from its position of non-concurrence in the senate amendment, that the senate recede from its position of non-concurrence in the house amendment and from its position in adopting its amendment, and concur with the house in adopting the house amendment.

Frank T. Buckley  
Nathan T. Battles  
Mary Walsh Caron

Conferees on the Part of the Senate

Arnold T. Clement  
Earle W. Chandler  
Kenneth G. Bell  
George A. Bruton  
Raymond E. Dumont

Conferees on the Part of the House

Senator Buckley moved that the Senate adopt the report of the Committee of Conference.

Senator Drake inquired: "Just what does this mean?"

Senator Buckley replied: "We agreed to accept the bill as it came from the House."

Senator Cleveland inquired: "Do you mean to say that this Committee of Conference with the House, the Senate conferees gave in on every single salary point?"

Senator Battles replied in the affirmative.

Senator Cleveland inquired if this matter was open to debate.

The President replied in the affirmative.

Senator Battles inquired: "Open to debate as to whether we will accept or not accept, or on the whole bill?"

The President: "The question is on the adoption of the report of the Committee of Conference.

Senator Cleveland: "The Senate can either accept or reject?"

The President replied in the affirmative.

Senator Cleveland: "If the Senate rejects, what happens to the original bill?"

The President: "The original bill dies."

Senator Cleveland: "Can we not accept the report and appoint a new Committee of Conference?"

The President replied in the affirmative.

Senator Battles: "If the House refuses to accede to another Committee of Conference, will the bill die?"

The President: "Yes, the bill dies."

Senator Cleveland: "Mr. President, it certainly seems to me that we should have a new Committee of Conference, but I will not make a motion. I do wish to be recorded as being against this Committee of Conference report. I acted in good faith in adopting the amendment of the finance committee. I acted, I thought, in good faith in adopting the amendment offered from the floor by Senator Caron. I thought the pay raise for the employees was long over due. I remember the comments why they did not get the raise the last time. I protest, as a matter of principal, very strongly that the Senate go to the bargaining table with the House and come back empty-handed. I strongly oppose this."

Senator Caron: "Mr. President, may I ask the Honorable Senate to bear with me for a few moments while I make a brief statement, which I would like recorded, relative to this Conference Committee report on House Bill No. 46, and the important matter which the bill itself covers.

In view of the declared condition of the State's finances and the fact that a Conference Committee must make *compromise* to resolve the problem before it, I have conceded to the recommended adoption of this bill as it passed The House and came to the Senate. In so doing, I have not forsaken my sincere belief that House Bill No. 46 should have been our first consideration. That our State Employees, now working at a 1955 industrial salary level, should have immediately received a *truly substantial* salary increase, and, those in the lower salary ranges should have had their salaries raised to a level sufficiently high to have insured them something more than mere bread and butter — the meager necessities of life.

I am still of the belief that we have failed in our responsibility to these conscientious servants of the State who are so often criticized and maligned because they work for government, when, if they did the same fine job in private industry they would be praised and compensated according to their effort — and government too must have people to accomplish its function.

I do not want to belabor this problem — it has been resolved — and we must go forward with our duties.

I appreciate sincerely the splendid support that I have received from you, my colleagues, in my effort in behalf of the State Employees of New Hampshire.

In the spirit of cooperation and regard for The Honorable Senate, I urge that you adopt the report of the Conference Committee on House Bill No. 46, thereby, signifying our faith in our employees, even though in small measure.

Senator Dunlap: "Mr. President, I am tempted to move that we do not accept the report of the Committee of Conference, but I think probably it might endanger the whole state employees' picture. I worked with good faith with a member of the Senate who told me that there was some three million dollars available. Notwithstanding the judgment of that great fiscal one, I still feel that there is going to be plenty of money at the end of this biennium to satisfy the bill that Senator Caron advocated. I predict to you, Mr. President, that two years from now, we will be looking at the surplus that could have been used."

Senator Holmes: "Mr. President, I will support the Committee of Conference report. I think I am on record as trying to do all that can be done for the lower bracket employees. I don't believe that everybody was provided with the information that they should have had."

Senator Buckley: "Mr. President, I don't think the Committee of Conference committee was happy with the outcome. We had no choice — and certainly we did not wish to jeopardize all that we have already gained for the state employees."

Senator Bergeron spoke in favor of the Committee of Conference report.

On a *viva voce* vote, the Senate voted to adopt the report of the Committee of Conference on the above entitled bill.

Senator Cleveland desired to be recorded as voting against the above motion.

### Committee Reports

Senator Philips, for the Committee on Judiciary:

HB 442, relative to the licensing of real estate brokers and salesmen. Ought to pass.

Senator Cleveland: "Mr. President, the chief accomplishment of this bill is to establish a board consisting of a member of the PUC, a member of the Attorney General's office, two members of the public at large and the Insurance Commissioner, to have the power to hear where there has been a complaint, whether the license should be suspended or revoked."

The bill was ordered to a third reading.

Senator Monahan, for the Committee on Resources, Recreation & Development:

HB 24, to restrict outdoor advertising on the interstate highway system. Ought to pass with amendment.

Amend paragraph II of RSA 249-A:2, as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

II. For the purposes of this chapter the words "interstate system" shall be considered to mean all highways within this state which are a part of the National System of Interstate and Defense Highways described in subsection (d) of section 103 of title 23, United States Code, and constructed upon any part of right-of-way, the entire width of which was acquired subsequent to July 1, 1956.

Amend paragraph I of RSA 249-A:3 as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

I. Advertising devices located in areas adjacent to segments of the Interstate System which traverse commercial or industrial zones within the boundaries of incorporated municipalities where the use of real property adjacent to the Interstate

System was subject to municipal regulation or control of outdoor advertising as of September 21, 1959.

Amend paragraph IV of RSA 249-A:3 as inserted by section 1 of the bill by adding at the end of the first sentence thereof the words and figures as amended on January 12 and March 26, 1960, so that said paragraph, as amended shall read as follows:

IV. Directional, informational signs in the specific interest of the travelling public, or other official signs and signals erected or maintained by state or other public agencies having jurisdiction, provided the erection of such signs is not inconsistent with the standards promulgated by the United States Secretary of Commerce dated November 10, 1958, as amended on January 12 and March 26, 1960. For the purpose hereof, informational signs are deemed to be in the specific interest of the travelling public only if they contain information about public places operated by federal, state or local governments, natural phenomena, historic sites, areas of natural scenic beauty or naturally suited for outdoor recreation, and places for camping, lodging, eating and vehicle service and repair. The commissioner of public works and highways is vested with authority to determine whether informational signs are in the specific interest of the travelling public.

Amend RSA 249-A:11 as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

249-A:11 Informational Sites. Consistent with the provisions of section 3, paragraph IV, the commissioner of public works and highways shall establish informational sites for the erection and maintenance of signs, which (a) advertise places for camping, lodging, eating and vehicle service and repair within twelve air miles of said signs and (b) give other information in the specific interest of the traveling public as set forth in said paragraph. He shall establish also at said sites, when sponsored as hereinafter provided, suitable facilities for distribution of general informational material which may be in the interest of the travelling public. Facilities of this nature shall be established only when sponsored by an appropriate state agency acting either in its own behalf or in behalf of a local or regional organization or organizations. The sponsoring agency shall be responsible for operating and staffing



each such facility in accordance with standards set by the commissioner or public works and highways. The commissioner shall prepare and promulgate standards for said sites and all facilities of any kind, located therein and shall make reasonable annual charges for the use of advertising display facilities made available at said sites; provided further that the commissioner shall set standards by which the erection and maintenance of all advertising devices subject to the provisions of this chapter shall be regulated.

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Takes Effect. This act shall take effect upon passage.

Senator Drake stated that he would explain the bill and Senator Monahan would explain the proposed amendment.

Purpose: To maintain the safety and convenience of users of New Hampshire's interstate highway system, to keep it attractive and to protect the public investment in it.

The bill provides for areas of control 660 feet wide on either side of the right-of-way.

**Permitted within these areas are devices which—**

- a) Advertise a business, product or service carried on, sold or offered by the owner or lessee of the property on which the advertised activity is conducted, but with one sign faced in one direction only;
- b) Are subject to advertising control by local ordinances;
- c) Advertise on other parallel highways only;
- d) Give information concerning historical, scenic and recreational areas, and concerning food, lodging and vehicle repair and service.
- e) Informational sites

**Permitted devices for advertising—**

- a) May not imitate or resemble traffic signals;
- b) May not be illuminated by flashing or moving lights;

- c) May not obstruct drivers' views of official signs or merging traffic;
- d) May not have rays of light directed at main travelled way or which glare or interfere with drivers' vision;
- e) May not be animated or have moving parts;
- f) May not be on trees or rocks;
- g) May not be unclean, obsolete or in disrepair;
- h) May not be over 150 square feet in area, nor more than 200 feet in any one dimension, except signs within 50 feet of the advertised activity.

This bill declares certain advertising devices to be public nuisances and authorizes the commissioner of public works and highways to abate them. The commissioner may enter into agreement with the U. S. Secretary of Commerce to take advantage of federal funds\* available for control of advertising devices along the interstate highway system.

\*Estimated at \$470,000 for eligible mileage. Eligible mileage does not include toll roads.

The Clerk proceeded to read the amendments and Senator Monahan explained the five amendments; two amendments are technical, the third amendment: "The meat of this amendment is in the last few words—this is the so-called Cotton amendment. If we adopt this Cotton amendment, we enable ourselves to conform more readily with the federal requirements. the people from Hampton and along the beach are very satisfied and approve it. Next, this is the so-called Kerr amendment in the federal statutes which enables our bill to conform more readily with prevailing legislation. This wording has been copied from the federal statutes, also Vermont and Maine have patterned theirs after same. The effect date of the federal law is needed. Finally, the only changes suggested by the Senate Committee were the two dates, to bring the bill up-to-date. This amendment was prepared with the deputy commissioner of Public Works & Highways who informed the committee that the department is ready to go ahead with the service. We think this is a very valuable addition."

Senator Drake: "I will clearly state that if it had not been for the Cotton amendment and the additional one, I would

have voted against this bill. I think these provisions are something that we can live with."

Senator Daniel: "Mr. President, I rise in support of the committee report. There was objection from the heavy investors in the city of Manchester, but the Cotton amendment has taken care of this condition very clearly. I am in support of the report, ought to pass with amendment."

Senator Monahan: "The final amendment of the committee—there is a sense of urgency in this matter. The United State Senate last week approved the Cotton provision. We think this bill should be enacted as soon as possible, in order to protect the Cotton amendment."

Senator Holmes: "Mr. President, as one who attended these hearings and heard all the objections, I urge support of this bill and hope that it will pass."

The amendments were adopted, and the bill as amended was ordered to a third reading.

On motion of Senator Daniel, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### **Third Reading and Final Passage of Bill**

HB 24, to restrict outdoor advertising on the interstate highway system.

On motion of Senator Monahan, the Senate refused to reconsider its vote whereby it passed the above entitled bill.

### **Committee Reports (continued)**

Senator Cheney, for the Joint Committee of Finance and Education:

HB 256, relative to technical institutes and vocational technical schools. Ought to pass with amendment.

Amend section 1 of the bill by striking out paragraph numbered 166-A:2 and inserting in place thereof the following:

188-A:2 Technical Institute. The state board of education is hereby authorized and directed to establish one technical

institute with dormitory facilities such institute to be centrally located where in the opinion of the board it will serve most advantageously the purpose of this chapter.

Further amend section 1 of the bill by striking out paragraph numbered 188-A:5 and inserting in place thereof the following:

188-A:5 Vocational-Technical Schools. The state board of education is hereby authorized and directed to establish not more than five vocational-technical schools in geographic areas throughout the entire state, as determined by the board. The board is further authorized and directed to reorganize the present technical institutes (Manchester-Portsmouth) as vocational-technical schools in accordance with the intent of this chapter.

Further amend section 1 of the bill by inserting after paragraph numbered 188-A:6 the following new paragraph:

188-A:7 Advisory Committee. The Governor, with the consent of the Council, shall appoint an advisory committee of seven (7) members representative as follows: two (2) industry; one (1) organized labor; one (1) agriculture; one (1) employment security; one (1) business; one (1) public education.

Duties: It shall be the duty of this committee to advise the state board of education relative to the administration and programming of the technical institute and vocational-technical schools, thus assuring expert participation by management, labor, business and education.

Length of office. The membership on this committee shall be for a period of three years. Initial appointment shall be two members for one year; two members for two years; and three members for three years. Vacancies shall be filled for unexpired terms.

Further amend section 1 of the bill by renumbering paragraphs 188-A:7, 8, 9, 10 and 11 to read 8, 9, 10, 11 and 12 respectively.

On motion of Senator English, the reading of the amendment was dispensed with.

Mr. President: "Only a few words are necessary in connection with this bill which I believe is well known to the mem-

bers of the Senate. It provides for increased facilities for training people in the technical arts. There is great need for these people now and strong reason to believe there will be increasing need in the future.

The Senate added amendments which were agreeable to the sponsor and to the some twenty-five persons who appeared at the Senate hearing. These amendments did two things: 1, removed a House provision as to where the school should be located; 2, it rewrote the paragraphs having to do with the advisory council to correct provisions which were vaguely worded and unsatisfactory to those at the hearing.

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading.

On motion of Senator English, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### **Third Reading and Final Passage of Bill**

HB 256, relative to technical institutes and vocational technical schools.

### **Committee Reports (continued)**

Senator Sawyer, for the Committee on Public Health, Welfare & State Institutions:

HB 354, relating to the disinfection of public water supply systems. Ought to pass.

Senator Dunlap: "Mr. President, this bill would require that all public drinking water supplies would be chlorinated. All are treated with the exception of 15 small areas. No opposition and the committee voted that the bill ought to pass."

Senator Sawyer also spoke in support of the committee report.

The bill was ordered to a third reading.

### **Introduction, First and Second Reading of Senate Bill**

SB 155, legalizing the annual town meeting held in the town of Roxbury in 1961.

On motion of Senator Eaton, the rules of the Senate were so far suspended as to dispense with the printing and referral to committee of the above entitled bill.

Senator English spoke in support of the motion.

On further motion of the same Senator, the rules of the Senate were further suspended as to place the bill on its third reading and final passage at the present time.

### **Third Reading and Final Passage of Bill**

SB 155, legalizing the annual town meeting held in the town of Roxbury in 1961.

### **Committee Reports (continued)**

Senator Cheney, for the Joint Committee of Finance and Resources, Recreation & Development.

HB 346, establishing a department of resources and economic development merging therein planning and development, forestry, recreation, and transferring thereto for limited purposes the water resources board and the New Hampshire state port authority. Ought to pass.

Senator Cleveland moved that the words Inexpedient to legislate, be substituted for the words, Ought to pass.

Senator Cleveland spoke in support of his motion: "Mr. President, I would like the record to show that I do wholeheartedly support HB 377 now in the House. I would also like the record to show that I support HB 377, which is another administration bill, as I have supported other administration bills during this session of the general court. I don't think there should be any reason just because a bill is an administration bill, to meet with opposition by certain members of this Senate. Under HB 377, the money appropriated will be spent on various projects around the state. Hampton Beach parking area, new swimming facilities throughout the state, the ski area at Cannon Mountain and Sunapee. The money will be used to revitalize our recreational facilities throughout the state.

(Discussion ensued)

Senator Battles spoke against the motion to substitute.

Senator Eaton spoke in favor of the motion to substitute.

Senator Humphreys as Vice Chairman of the Joint Committee requested the opportunity to explain the bill.

Senator Humphreys: "Mr. President: House Bill 346 as it comes to us from the House is the final proposed administration reorganization measure. Once again, it is essentially a simple bill. It does not include the Department of Fish and Game.

"We are all familiar with the general provisions of these reorganization measures authorizing the Governor and Council to make certain transfers within divisions of any department upon recommendation of the head of the department and protecting the classified employees in the state service against loss of job by virtue of the establishment of the new department, so I will not spend any more time on the first two sections of the bill except to point out that here the only amendment in the House was on May 25th at line 34 of the printed bill where the House conformed this section to that of other reorganization measures by providing that if the Governor and Council did not act upon vacancies within thirty days, the head of the affected agency might fill them.

"The bill establishes in section 3 a new department of Resources and Economic Development, which for the first time puts the direction of related functions of the State Government in the fields of Resources and Economic Development under the direction of a commissioner with a four year term. The bill provides for three divisions, Resources Development, Economic Development and Parks. The House amended the bill at line 54 (on May 25th) to require that the division of Economic Development should include but not be limited to subdivisions of Research, Planning, Development, and Promotion.

"The original bill proposed a term for the commissioner of five years. The House, by amendment, (line 60) changed it to four. Likewise for the directors of the divisions each of whom would have a four year tenure. The commissioner of the department is appointed by Governor and Council, the directors of divisions are appointed by Governor and Council upon nomination of the commissioner.

"The bill creates an advisory commission with five year terms and staggered initial tenure with seven members who shall be qualified and experienced and representative of manu-



facturing, agriculture, forestry, recreation, commerce, and public relations and one from the general public. The advisory commission is required (line 124) to consult with and advise the commissioner with respect to the policy programs and operations of the department upon a continuing basis. It must submit a written report in February of each year covering the previous calendar year. I might say at this point that I am familiar with the amendment offered by Representative Williamson in the Journal on June 8, Page 25 which would have added to section 12-A:6, line 147, a requirement that the advisory commission shall approve all policy matters which directly or indirectly affect the pledging of full faith and credit of the state, and it is my belief that the transfer of powers, functions and duties to the commissioner places the advisory commission in such a relation to the commissioner by the terms of the act that no thinking commissioner would, or could, afford to long disregard disapproval of the advisory commission in such important matters. For this reason I believe the act amply protects the salutary objective of Mr. Williamson's language as it is presently written.

"The Forestry and Recreation Commission and Planning and Development Commissions are abolished by the terms of the act with powers, duties, functions, personnel, records and property transferred to the department. However, the State Forester in office on the effective date of the act as well as the Director of Recreation in office at that time, are continued in office, the former as director of the Division of Resources Development and the latter as Director of the Division of Parks.

"The House amendment requiring subdivisions of planning, research, development and promotion within the division of Economic Development amply assures existence of protection of these important functions in subdivision status by legislative direction in the new department.

"The Water Resources Board and New Hampshire State Port Authority are administratively transferred to the department without any lessening in their existing powers nor of any regulatory authority. Provisions of the act relating to the Fish and Game Commission creating a Division of Fish and Game, and protecting fish and game funds, personnel and property from transfer outside of the Division of Fish and Game without the approval of the Director have been deleted by House

action so that several provisions of the printed bill, for example, lines 219 through 256, have been stricken out.

"Concluding sections provide for transfer of funds appropriated to each merged agency to the new department and make an appropriation for the salary of the commissioner only.

"Mr. President, in the form in which it is presented the bill with the House amendments is acceptable to the administration. This is not to say that the Governor does not continue to believe that the proposed department should include a division of Fish and Game for reasons he has often publicly stated. However, without such a division the bill as it is before us continues to offer cohesive direction and administrative control of related functions in an important field of State Government, namely, Planning, Development, Forestry, Recreation and Parks. As such it continues to afford an opportunity for substantial improvement in administration and I believe that we would do well to pass the bill in its amended form."

Senator Drake spoke against the bill:

"Mr. President, today we are considering an O.T.P. recommendation on HB 346, on which both House and Senate public hearings have been held and action taken by the House. At the House hearing, about 98% of all the public testimony in the 4½ hour session was in opposition to this bill, yet a majority report was made of O.T.P. Last Friday at the public hearing, the only proponent of the bill was the Governor's Legislative Counsel. Despite the short notice in posting the bill for hearing, at least 16 persons, representing important civilian segments of our natural resource fields, spoke in opposition to this bill and for SB 75. Not one was present as a result of personal contact by the Sponsors of SB 75.

"It was stated at the hearing by Legislative Counsel that all persons concerned with this proposed merger were contacted before the bill was presented to the legislature. However, counsel admitted that none of the Commissions were contacted. Perhaps our Directors were presented with a Hobson's choice.

"I believe our present form of government is superior to the proposed direct line of government. I cannot concede or agree that an unbalanced Advisory board, as is this proposed

board, composed of diverse interests and background, would be as competent, as knowledgeable or as much in the public interest as would our present Commissions. It is worthy of note that the Water Resources Board and the N. H. State Port Authority are being transferred, for reasons of departmental organization and future budget control, with their Boards and Commission continued. Why are some Boards or Commissions necessary and some not. These two departments are still rather young and not yet fully developed. Are Boards and Commissions capable of starting and building programs not also capable of continuing to run these departments.

“Consider the proposed Commissioner. He has supervisory authority over all Departmental divisions, including the power to control the actual operations of all Divisions therein. Yet he has no qualifications whatsoever written into the bill. By the testimony given at our hearing, virtually all agreed that a man who could fill all these hats would be about impossible to find. Having given powers formerly assigned by statute to the Commissions, to the Commissioner, the bill now states that he may assign those duties to the directors of the divisions concerned at his discretion.”

(Discussion ensued)

Senator Monahan: “Mr. President, Having set up the office of Commissioner, on page 2 of the bill it now states that ‘Governor and Council are authorized to approve revisions in internal administrative departmental organization as the Governor and Council find from time to time may improve etc.’” With their regular duties plus the extra work load of three merger bills already, the Office of Governor and Council are going to be under a terrific burden of work. A Council meeting every other week is going to be unable to keep up with the work load, I believe.

“Office space, clerical help, travel allowance for the office of Commissioner will have to be taken from some present division and division budget for no money is appropriated for this purpose. Question, should such a Commissioner be located in any one office, perhaps to the economic disadvantage of the other departments involved.

“The proposed Advisory Board has no control over the actions or judgment of the Commissioner, other than to consult

with and advise the Commissioner. Question? Who will have control over the \$10,000,000 Expansion program? Can it possibly be apportioned out for political advantage. This, plus the provision requiring Governor and Council approval for filling all job vacancies after July 1st 1961, certainly spell out an unhealthy concentration of power. All of the evidence, save that given by the Governor's Legislative counsel, pointed out that our present departments are doing a very good job and that we do not need this merger. Forestry in 1959 and 1960, for instance, led the nation in the lowest percentage of woodlands lost by fire. This under our Commission Form of Government. Many states have sent teams of observers here to see our programs at first hand.

"Recreation, compared to our sister states in N. E., has produced a remarkable amount of income for the amount of public funds invested in it. At our hearing, a number of responsible civic officials, spoke glowingly of the results they had gotten thru the cooperation of P & D Commission. Are these departments in need of a violent upheaval. We do not consider these Departments perfect, but in need of objective improvement and better co-ordination. Therefore I co-sponsored with the Senator from the 5th District, SB 75, which we feel provides for an orderly process of co-ordinated and co-operative action between and among the state agencies charged by law with conservation and development of our natural resources. We believe our bill will provide for orderly evolution instead of complete upheaval. I say our bill, but in reality SB 75 is a product of some 18 organizations of this state. Civilian organizations concerned only with the welfare of this state and the conservation of its natural resources.

"Let us not hastily or ill-advisedly discard our present proven form of Government for one as yet so patently untried, unproven and full of flaws. I hope this senate in its wisdom, having passed three merger bills already, will pause, reflect and reject HB 346. Let us then, over a period of several years at least, compare this direct line of Government with the present Commission form of Government and let the results speak for themselves.

"Let's face it, Mr. President, House Bill 346 is not a popular measure. At the House hearings, which lasted more than three hours on March 22, not a single Representative or Senator

— not even the co-sponsors of the bill, testified in its favor. I believe only four individuals, including the Governor's legislative council, spoke for the bill at that time.

"In two subsequent votes, the entire measure squeaked thru the House by only a two-vote margin on May 25 and by only five votes on June 8. At the Senate hearing, to which I referred yesterday, only the Governor's Legislative Counsel spoke for it. Thus, we have a bill before us that lacks the solid support of the people and has met with strong opposition from various citizen groups concerned with natural resources throughout the state.

"This bill is actually a rehash of the notorious Commerce Department proposal of 1959, now that Fish & Game has been deleted, altho the title still refers to "A Department of Resources and Economic Development." This is obviously a misnomer, with two of our greatest resources—fish and game—now deleted.

"The bill still carries no qualifications for the all-important commissioner—and perhaps that is necessary because no one I know is fully qualified to supervise the activities of the two unrelated departments now remaining in the bill. We have a two-legged stool and the legs are very wobbly, because the measure has not been amended to recognize the changes from the Fish & Game omission.

"There have not even been valid charges of mismanagement against either the Commissions or Departments under consideration today. Why change?"

"Mr. President, as the only active professional forester in the General Court, I would be the first to support any reorganization bill that promised improvement in the state's administration of our natural resources. I cannot do so, Mr. President, in the case of House Bill 346. I want no part of the spoils system in the determination of state policy affecting our important natural resources.

"Consider the sorry case of Connecticut which in 1959 adopted a somewhat similar resources merger. The Hon. Anthony E. Wallace, Speaker of the House in that state, writes me "the problems that exist within the newly established agency are starting to rise to the surface. He introduced in the 1961

session Bill 4212, remarkably similar to Senate Bill 75 and designed to remove some of the problems to which he referred.

"The chairman of the Connecticut Park and Forest Commission, George A. Garratt, recently reappointed to a six-year term and Dean of the Yale School of Forestry, has authorized me to inform the Senate: "The Connecticut State Legislature was sold a bill of goods two years ago, in the establishment of the Department of Agriculture, Conservation and Natural Resources. This combination was sold on the basis of economy and efficiency, and has proved to provide neither. Even its strongest proponents now admit that the merger has not saved the State any money. In fact, if the extra cost could be really evaluated, I am sure it would be quite substantial. As for our operations, there is obviously only notable loss in efficiency as we have become enmeshed in more bureaucratic control. We have not given up hope that time will effect a cure, and that we can at least call a halt to the gradual whittling away of the policy-making functions of the citizen's commissions'?"

"Must New Hampshire now make the mistake of repeating Connecticut's folly, freely admitted as such by qualified authorities in that state?"

"I appeal to the consciences of the Senators to disregard political considerations and reject this bill which can cause irreparable damage to the natural resources of the state. New Hampshire's economy, in large measure, depends upon timber production and utilization, upon our recreational developments both public and private, and upon the varied activities of our Planning and Development Commission.

"Let us not make the sorry mistake of shifting these known responsibilities from the career professionals operating under the continuity of bi-partisan policies established by citizen commissions to the unknown ambitions of politically-motivated administrators.

"I can only hope the Senate will consider very carefully the many objections to House Bill 346 and approve, in good conscience, the pending 'inexpedient to legislate' resolution.

"Regardless of possible previous commitments, I urge the Senators to appraise the pros and cons of HB 346, as presented today, and then vote as their own free consciences may decide.

"If House Bill 346 is turned down, the next order of business is the consideration of a substitute measure, Senate Bill 75, which provides for the coordination we all agree is necessary without the many questionable provisions of House Bill 346."

Senator McMeekin: "Mr. President, one Senator has said that this is a rehash of the Commerce bill in the previous session. Nothing could be further from a rehash, than in 1959, the bill that was passed here in the Senate and declared unconstitutional by the court. I would like to point out the difference. That bill was a saving to the state. This bill provides no saving whatsoever. Nobody has said that it is going to save any money. Two years ago, that was the main objective—to save \$288,000."

Senator Gardner: "Mr. President, the persons who appeared at the 'Quickie' public hearing are all men whose judgment I greatly respect.

"I was impressed by the comments of one of the opponents of the bill.

"He had left his place of business to appear at the hearing.

"Having lived in Holland he saw and felt the results of a dictatorship.

"He warned us that nothing took place all at once. The people gave up their freedom a little at a time until finally their freedom was usurped entirely.

"I happen to believe in the commission form of government.

"I think when we put everything into the hands of one man, the commissioner, we may be destroying the very thing we are seeking. We may have faith in this Administration, but what about future ones?"

(Discussion ensued)

Question now being on motion of Senator Cleveland to substitute the words, Inexpedient to legislate, for the words, ought to pass.

On this question, Senator Cleveland demanded a Roll Call.

The Clerk proceeded to call the Roll.



### Roll Call

The following named Senators voted in the affirmative: Drake, McMeekin, Sawyer, Monahan, Gardner, Cleveland, Dunlap, Eaton, English, Holmes, Paquette, Bunten.

The following named Senators voted in the negative: Lamontagne, Phillips, Cheney, Green, Caron, Provost, Daniel, Bergeron, Dunnington, Buckley, Battles and Humphreys.

Twelve Senators having voted in the affirmative, and twelve Senators having voted in the negative, it was a tie vote, and the motion to substitute was lost.

Senator Battles requested a one minute Recess, which was granted by the Chair.

(Recess)

The Senate reassembled.

The bill being on its second reading was open to amendment.

Senator Cleveland offered the following amendment; and spoke in support of same:

Amend said bill by inserting after section 9 thereof the following new section:

10 No more than four members of the advisory council herein established shall be members of the same political party.

Further amend said bill by renumbering section 10 to read section 11.

Senator Battles spoke against the amendment.

Senators Bergeron, Monahan and Drake spoke in support.

On a *viva voce* vote, the amendment offered above by Senator Cleveland was adopted.

Senator Drake offered the following amendment and spoke in support of same:

Amend paragraph II of section 2 of the bill by inserting at the end of said paragraph the following words, The authority of the governor and council to approve the filling of vacancies in the classified service after July 1, 1961 as hereinabove provided, shall terminate as of June 30, 1963, so that said paragraph as amended shall read as follows:

II. With the approval of the governor and council the commissioner of resources and economic development after consultation with directors of divisions concerned, is authorized to transfer classified personnel, appropriations or portions thereof relating thereto as well as necessary equipment, within any division or between divisions of the department; provided, however, that no such transfer shall eliminate classified positions so transferred. Vacancies in classified positions occurring after July 1, 1961, in any department or agency transferred by the terms of this chapter, shall not be filled without the approval of the governor and council, provided that after written notification of vacancies to be filled are received by the governor and council from department directors, and if no action is taken on these requests within thirty days, the director of the division concerned may fill such vacancy or vacancies forthwith. No permanent classified employee of any agency in the state service affected by this chapter, so employed upon the effective date of this act shall be required to take an examination to remain in his position. The authority of the governor and council to approve the filling of vacancies in the classified service after July 1, 1961 as hereinabove provided, shall terminate as of June 30, 1963.

On a *viva voce* vote, the amendment was adopted.

Senator Drake offered the following amendment:

Amend section 3 of the bill by inserting in paragraph 12-A:6 in line 127 of the printed bill after the word "basis" the following, and the commissioner shall be required to have the approval of said commission with respect to changes in policy, programs and operations of the department, so that said section shall read as follows:

12-A:6 Advisory Commission; Duties. The commission shall consult with and advise the commissioner of resources and development with respect to the policy, programs and operations of the department upon a continuing basis and the commissioner shall be required to have the approval of said commission with respect to changes in policy, programs and operations of the department, and for said purposes shall meet with the commissioner not less frequently than quarterly in each calendar year and oftener as may be necessary or desirable. Failure to attend two consecutive quarterly meetings shall be deemed to effect a vacancy which shall be filled in accordance

with the requirements of section 12-A:5. The commission shall meet at the call of the chairman, at the call of the commissioner of resources and development through the chairman, and it shall be the duty of the chairman to convene the commission not later than ten days following his receipt of written request therefor from any three or more members thereof. The commissioner shall attend any meeting of the commission upon request of a majority of its membership. The advisory commission shall submit to the governor and council in each January a written report of the activities of the department which report shall be a public document. An executive session of the advisory commission may be called at any time upon majority vote and shall consist solely of the members thereof.

Senator Battles presiding.

Senator Drake spoke in support of the amendment.

Senator Green spoke in opposition to the amendment: "Mr. President, I don't think, regardless of how many amendments are proposed, that Senators from certain districts will vote for the passage of the bill. This amendment is putting back the entire department as it exists now. It would provide that this commission would control the entire department. The purpose of the merger is to put the administration in one man. I think the entire purpose of this amendment is to masculate the entire bill. The only thing that it will do is to let the advisory committee control the commission which is not the intent of the act."

(Discussion ensued)

Question being on adoption of amendment offered by Senator Drake.

The President in the Chair.

### Roll Call

The Clerk proceeded to call the Roll.

The following named Senators voted in the affirmative: Drake, McMeekin, Monahan, Gardner, Cleveland, Dunlap, Eaton, English, Paquette and Bunten.

The following named Senators voted in the negative: Lamontagne, Sawyer, Phillips, Holmes, Cheney, Caron, Provost, Daniel, Bergeron, Dunnington, Buckley, Battles, and Humphreys.

Ten Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the negative prevailed, and the amendment was not adopted.

Question now being: Shall the bill be read a third time.

On this question, Senator Cleveland demanded a Roll Call.

The Clerk proceeded to call the Roll.

The following named Senators voted in the affirmative: Lamontagne, Sawyer, Phillips, Cheney, Caron, Provost, Daniel, Bergeron, Dunnington, Buckley, Battles and Humphreys.

The following named Senators voted in the negative: Drake, McMeekin, Monahan, Gardner, Cleveland, Dunlap, Eaton, English, Holmes, Paquette and Bunten.

Twelve Senators having voted in the affirmative, and eleven Senators having voted in the negative, the affirmative prevailed, and the bill was ordered to a third reading.

At the request of Senator Monahan, the President declared a brief Recess.

(Recess)

The Senate reassembled.

### **Committee Reports (continued)**

Senator Cheney, for the Joint Committee on Finance and Resources, Recreation & Development:

SB 75, reorganizing the Council of Resources and Development and providing an Executive Coordinator thereof. Inexpedient to legislate.

Senator Monahan: "Mr. President, I would move that SB 75 and the accompanying report of the committee be made a Special Order of Business for Thursday next at 11:01."

Senator Battles spoke in support of the motion.

On a *viva voce* vote, the motion for Special Order carried.

### **Engrossed Bills**

Senator Monahan, for the Committee on Engrossed Bills:

HB 418, relative to legislative mileage Report, under Joint Rule No. 6, with the following amendment:

Amend said bill by inserting after section 1 the following new section:

2 City of Concord. Amend RSA 14:17-a (supp) as inserted by 1959, 168:1 by striking out said section and inserting in place thereof the following: 14:17-a Attaches. For the purpose of the computation of travel allowance for officers or employees of the general court, residing in wards 2 to 9 of the city of Concord, in accordance with the provisions of RSA 14:18 the mileage allowance shall be based upon a distance of six miles for a one-way trip.

Further amend said bill by renumbering section 2 and 3 to read sections 3 and 4.

On motion of Senator Monahan, the Senate voted to concur in the adoption of the amendment offered by the Committee on Engrossed Bills.

### Special Order of Business for 11:01

Senator Buckley called for the Special Order.

Question being on Committee recommendation. Ought to pass on:

HB 412, relative to additional grants of school building aid.

Senator Buckley: "Mr. President, thanks to the efforts of the Senator from the 12th District, the Chairman of the Education Committee, she explained to me the text of this bill."

Senator Holmes: "I wish to thank Senator Buckley for giving me the credit, but I learned something too."

On a *viva voce* vote, the bill was ordered to a third reading.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House Bills and House Joint Resolutions:

HB 324, relative to the registration and licensing of guides.

HB 372, relative to municipal elections in the city of Manchester.

HB 486, providing for an additional appropriation for expenses of the legislature.

HJR 1, providing an appropriation for the Civil War Centennial Commission.

HJR 15, providing funds for completion of forest conservation aid payments.

HJR 25, providing supplemental appropriation for school building aid.

HJR 43, in favor of the estate of Frances P. Plante.

HB 133, relative to certain deposit accounts in savings banks.

HB 235, to include wild animals with respect to open seasons.

HB 279, relative to supervisory unions and teacher consultants.

HB 382, relative to the construction of a dining hall at the University of New Hampshire, cost to be liquidated from income.

HB 443, relative to agreements with the University of Vermont.

HB 466, relative to county conventions.

HB 476, changing the name of the New Hampshire Tuberculosis Association.

SB 133, to enlarge the rights of students under twenty-one years of age to contract to borrow money to finance higher education.

HB 16, naming the Kancamagus Highway.

HB 158, relative to policemen's retirement system, thirty year plan.

HB 185, relative to the issuance of short term loans for highway purposes.

HB 223, relative to the construction of a dormitory for women at the University of New Hampshire, and to be liquidated from income.

HB 464, relative to licenses for taking clams and oysters.

HJR 28, relative to operation and maintenance of Fort Dearborn State Park.

SB 117, relative to highways in the town of Goffstown.

SB 138, to provide for recording of instruments and acts in unincorporated places which have no clerk.

Robert S. Monahan  
*For the Committee*

### House Message

Mr. President:

The House of Representatives refuses to concur with the Senate in the adoption of the amendment to the following entitled bill sent down from the Senate:

HB 24, to restrict outdoor advertising on the interstate highway system and requests a Committee of Conference; the Speaker has appointed as members of said Committee of Conference on the part of the House of Representatives:

Representative Newell of Concord; Congdon of Troy; and Stevenson of Bethlehem.

On motion of Senator Monahan, the Senate voted to accede to the request of the House for a Committee of Conference.

Pursuant to the above, the President appointed as members of such Committee on the part of the Senate, Senators Monahan and Daniel.

The Message further stated that the House has voted to concur with the Senate in the passage of the following entitled bill sent down from the Senate:

SB 155, legalizing the annual town meeting held in the town of Roxbury in 1961.

The Message further stated that the House of Representatives has voted to adopt the recommendation of the Committee of Conference on the following entitled bill:

HB 46, providing for salaries of classified and unclassified state employees.

The Message further stated that the House has voted to concur with the Honorable Senate in its amendments to the following entitled bill and joint resolution:

HB 256, relative to technical institutes and vocational-technical schools.



HJR 18, relative to the operating expenses of educational television station, WENH-TV, Channel 11, Durham, N. H.

The President recognized Senator Phillips: "Mr. President, I would call the attention of the members of the Senate to an article in this morning's Manchester Union, on Page 3, relative to the Lebanon Regional Airport being selected as a recovery center. We are most anxious that the Lebanon Airport be designated as the recovery center for the recovery group for New Hampshire. At the present, there seems to be a great deal of interest for the Concord Airport which is in the red area. I would call to the Senate's attention that it was the recovery unit from Claremont that were so very successful in the Canadian jet fighter which landed at the Claremont airport. It is my understanding that they would need over 4,000 feet of landing runway, but they landed on less than 2,000 feet. They are most commendatory to the excellent job well done. It is my request to the Senate, that careful consideration be given that the recovery group center be designated at the Lebanon Regional Airport."

Senator Humphreys: "For the purpose of giving all Senators an early opportunity to present any amendments they may wish made to HB 477 the Senate Redistricting Bill I am hereby appointing a sub-committee of the special committee consisting of the following members: Senator McMeekin of the 3rd District, Chairman; Senator Eaton, 10th District; Senator Dunlap, 9th District; Senator Holmes, 11th District; Senator Provost, 18th District; Senator Daniel, 17th District; and the Chairman of the Special Committee ex officio.

The sub committee to report its recommendation to the Chairman of the full Committee not later than 3 P.M. on Thursday, June 22nd."

On motion of Senator Caron, the Senate adjourned from the morning session.

#### **Afternoon Session**

#### **Third Reading and Final Reading of Bills**

HB 354, relating to the disinfection of public water supply systems.

HB 442, relative to the licensing of real estate brokers and salesmen.

HB 412, relative to additional grants of school building aid.

The following entitled bill was read a third time:

HB 346, establishing a department of resources and economic development merging therein planning and development, forestry, recreation, and transferring thereto for limited purposes the water resources board and the New Hampshire state port authority.

On the question of passage, Senator Cleveland demanded a Roll Call.

The Clerk proceeded to call the Roll.

The following named Senators voted in the affirmative: Lamontagne, Sawyer, Phillips, Cheney, Caron, Provost, Daniel, Bergeron, Dunnington, Buckley, Battles and Humphreys.

The following named Senators voted in the negative: Drake, McMeekin, Monahan, Gardner, Cleveland, Dunlap, Eaton, English, Holmes, Paquette and Buntin.

Twelve Senators having voted in the affirmative, and eleven Senators having voted in the negative, the affirmative prevailed, and the bill passed.

On motion of Senator Paquette, the Senate adjourned at 2:03 P.M.

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WEDNESDAY, JUNE 21, 1961

The Senate met according to adjournment.

#### **Guests**

As the guests of Senator Bergeron, Cliff Miller, Mgr. Employee & Community Relations, General Electric Company; L. J. Fitzpatrick, H. J. Burbank, Members of Advisory Board, Unemployment Compensation. Also in Gallery, Herbert Hand, Mel Richardson, Jack Cassell and Owen French. Also, former Senator Ben Adams.

As the guest of all Manchester Senators, Mr. J. Felix Daniel, former Senator from Manchester.

**House Message**

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 22, relative to the state board of fire control.

HB 473, relative to the state council on aging.

HB 80, relative to agent's accounting and bonds for fish and game agents.

HB 368, relative to sales of liquor and beverages by hotels.

HB 107, relative to certain retired employees in the city of Manchester.

The Message further stated that the House concurs with the Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House asks the concurrence of the Senate:

SB 135, to repeal the charters of certain corporations.

Amend said bill by striking out in section 1 thereof the line that reads "Winchester Mfg. Co., Inc. (Winchester, 1954)", and the line that reads "Indian Head Shopping Center, Inc. (Nashua, 1954)", and the line that reads "Quinlar Lumber Company, Inc. (Walpole, 1958)" and the line that reads "Youth Corner, Inc. (Nashua, 1957)".

Further amend said bill by inserting in section 1 thereof in the proper alphabetical order the line, Connecticut River Farmers' Association, Inc. (Claremont, 1942), and the line Crawford Door Sales Company of New Hampshire, Inc. (Manchester, 1956), and the line, Havermass Chicks, Inc. (Concord, 1959), and the line, Norwood Oil Company (Keene, 1932).

On motion of Senator Cleveland, the Senate voted to concur in the adoption of the amendment sent up from the House.

The Message further stated that the House concurs with the Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House asks the concurrence of the Senate:

SB 43, relative to overpayment of income taxes.

Amend section 1 of the bill by inserting after the word "made" in the third line the words, in an amount not more than ten dollars, so that said section as amended shall read as follows:

1 Income Tax. Amend RSA 77 by inserting after section 21 the following new section: 77:21-a Overpayments. If upon audit of a tax return it is found that an overpayment of the tax has been made in an amount not more than ten dollars, such overpayment shall be held and credited against the tax to be paid in the succeeding year unless the person making the overpayment upon inquiry by the director shall request in writing that a refund of the amount overpaid be made to him.

Amend section 2 of the bill by striking out the words "sixty days after" and inserting in place thereof the word, upon, so that said section as amended shall read as follows:

2 Takes Effect. This act shall take effect upon its passage.

On motion of Senator Eaton, the Senate voted to concur in the adoption of the amendment sent up from the House.

The Message further stated that the House has voted to adopt the amendments offered by the Committee on Engrossed Bills to the following House Bill, in the adoption of which amendments the House asks the concurrence of the Senate:

HB 210, relative to cooperative school districts.

Amend section 3 of said bill by striking out the first three lines and inserting in place thereof the following:

3 Election and Terms of Office of Members of Cooperative School Board. Amend RSA 195:4 by inserting after paragraph II-a, as inserted by 1961, 44:1 the following new paragraph: II-b. Notwithstanding any provision

Amend section 5 by inserting after the word "cooperative" in the seventh line the word, school

Further amend section 5 of said bill by striking out the first line and inserting in place thereof the following:

5 Apportionment. Amend RSA 195:8 (supp) as amended by 1955, 334:10 and 1959, 195:2 by striking out in line five thereof

On motion of Senator Monahan, the Senate voted to concur in the adoption of the amendment offered by the Committee on Engrossed Bills.

The Message further stated that the House has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following Senate Bill, in the adoption of which amendments the House asks the concurrence of the Senate:

SB 139, increasing the salary of the Belknap County Attorney.

Amend section 1 of said bill by inserting after the figure "1959, 6:1" the following, and 1961, 107:1

Further amend said section by striking out the words "twenty-four hundred" in the fifteenth line and inserting in place thereof the words, three thousand

On motion of Senator Monahan, the Senate voted to concur in the adoption of the amendments offered by the Committee on Engrossed Bills.

### **Read and Referred**

To the Joint Committee of Finance and Executive Dept.,  
Municipal & County Government:

HB 22, relative to the state board of fire control.

HB 473, relative to the state council on aging.

To the Committee on Fisheries & Game:

HB 80, relative to agent's accounting and bonds for fish and game agents.

To the Committee on Liquor Laws:

HB 368, relative to sales of liquor and beverages by hotels.

To the Special Committee, consisting of Senators Provost,  
(Chairman) Daniel, Buckley, Caron and Green.

HB 107, relative to certain retired employees in the city of Manchester.

### **Committee Reports**

Senator Monahan, for the Committee on Engrossed Bills:

HB 189, relating to the salaries of the Rockingham County Commissioners. Report under Joint Rule No. 6 with the following amendments:

Amend section 1 of said bill by striking out the second line and inserting in place thereof the following:

1955, 247:4; 1955, 269:1; 1957, 182:1; 1957, 246:1, 1961, 80:1 and 1961, 157:1 by striking out

Further amend section 1 by striking out after the word "Hillsborough" the words "three thousand seven hundred and fifty" and inserting in place thereof the words, four thousand

Further amend section 1 by striking out after the word "Cheshire" the words "one thousand six hundred" and inserting in place thereof the words, two thousand

On motion of Senator Monahan, the Senate voted to concur in the adoption of the amendments offered by the Committee on Engrossed Bills.

On motion of Senator English, the rules of the Senate were so far suspended as to permit the introduction of a Committee Report not previously advertised in the Journal.

Senator Humphreys, for the Committee on Finance:

SB 123, to impose an operating fee on aircraft. Ought to pass with amendment.

Amend section 2 of the bill by striking out in lines thirteen and fourteen of section 422:3 XI as inserted by the bill the figure and words "1 mill for aircraft manufactured in fifth preceding year or in prior years" and inserting in place thereof, 1 mill for aircraft manufactured in fifth to tenth preceding years and fifteen dollars for aircraft manufactured in prior years, so that said section as amended shall read as follows:

2 Fee. Amend RSA 422:3 by inserting after section X the following new section:

XI. For each aircraft for which a state registration certificate is required by the provisions of RSA 422:34 an annual operating fee subject to the provisions of RSA 422:24 through 32, 34, paragraph VIII of RSA:37 and paragraph IV of RSA 422:38 which apply to aircraft registration certificates. The amount of the fee shall be one cent per pound of the maximum

certificated gross weight of the aircraft plus \$15.00 or the number of mills per dollar of the manufacturer's list price, whichever is greater, as follows:

6 mills for aircraft manufactured in current calendar year;  
5 mills for aircraft manufactured in first preceding year;  
4 mills for aircraft manufactured in second preceding year;  
3 mills for aircraft manufactured in third preceding year;  
2 mills for aircraft manufactured in fourth preceding year;  
1 mill for aircraft manufactured in fifth to tenth preceding years and fifteen dollars for aircraft manufactured in prior years. The director shall make the final determination of year of manufacture of an aircraft in any case in which a dispute arises.

Further amend said bill by striking out section 11 and inserting in place thereof the following:

11 Takes Effect. This act shall take effect July 1, 1961 except for the provisions imposing an operation fee which shall take effect on April 1, 1962.

Senator English: "Mr. President, the committee has amended the bill by latering the amount to be paid by aircraft more than five years old, and it has amended the Takes Effect clause to impose the fees effective April 1, 1962.

Briefly, this bill as amended provides for the borrowing of \$100,000.00 to be expended as needed by the Aeronautics Commission for the acquisition, establishment and construction of air navigation facilities. The interest and amortization of this amount is taken care of by operating fees provided in this bill and careful study indicates that the sum borrowed can be repaid within twenty years.

It is a proposal sponsored by the owners of aircraft and at the public hearing had their full endorsement."

No one appeared in opposition.

The amendment was adopted, and the bill as amended was ordered to a third reading.

On motion of Senator English, the rules of the Senate were so far suspended as to permit the introduction of a Committee Report not previously advertised in the Journal.



Senator English, for the Committee on Finance:

HB 159, to rehabilitate the Sunapee State Park Sinking Fund. Ought to pass.

Senator English: "Mr. President, this bill is necessary in order that the Mount Sunapee Sinking Fund may be rehabilitated. At the present time there is a deficit in the sinking fund in the amount of \$79,270.56, because of money advanced from the general fund to retire bonds and notes which were never appropriated from the recreation fund. At the present time the general fund carries an accounts receivable due from the sinking fund, and the sinking fund carries an accounts payable due to the general fund, for these funds advanced. The passage of this bill will reduce the general fund surplus by \$79,270.56."

The bill was ordered to a third reading.

On motion of Senator Phillips, the rules of the Senate were so far suspended as to permit the introduction of two Committee Reports not previously advertised in the Journal.

Senator Phillips, for the Committee on Labor:

HB 420, relative to unemployment compensation. Ought to pass.

Senator Phillips: "Mr. President, this bill has been a long time in the House. It has been considered and heard. It has been discussed and we had the hearing in the Senate this morning. There were 24 people, comprised of management and labor affiliations, all in favor of passage of this bill. This bill does raise from \$500 to \$600 the amount of money that must be earned in any one quarter. It is a bill that is not designed to be a welfare help or project. It is a bill that is designed to benefit the family wage earner. I recommend the passage of the bill."

(Discussion ensued)

Senator English spoke in support of the passage of the bill. Also Senator Caron.

The bill was ordered to a third reading.

Senator Phillips, for the Committee on Labor:

SB 153, relative to construction on educational buildings. Inexpedient to legislate.

Senator Phillips: "Mr. President, this was reported in by the Committee as Inexpedient to legislate. It was the thinking of the committee that if this bill was good for one community it should be good for the entire state. It was not considered to be good for the entire state. Therefore, the Committee reports it as Inexpedient to legislate."

Senator Battles: "Mr. President, I rise in opposition to the committee recommendation. This bill was presented by me at the request of the Selectmen of the town of Newfields. They felt that it should be allowed as the only money that was to be spent on school construction was money by the town, that they should be allowed to set the wage rate. I would move that the words, ought to pass, be substituted for the recommendation of the Committee, Inexpedient to legislate."

Senator English: "Mr. President, I regretfully oppose this. The Committee was unable to find any other town in a similar situation. There was a similar bill covering more towns which failed. I believe the committee recommendation should be accepted."

On a *viva voce* vote, the negative prevailed, and the motion to substitute was lost.

On a *viva voce* vote, the recommendation of the Committee, Inexpedient to legislate, was adopted.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House Bills:

HB 366, relative to motor vehicle sales finance.

HB 407, relative to the Workmen's Compensation law.

Robert S. Monahan  
For the Committee

Senator Monahan stated: "Mr. President, I am happy to inform the members of the Senate that the new Engrossing machine which was authorized has arrived and is now on active duty."

### Committee Reports

On motion of Senator Dunlap, the rules of the Senate were so far suspended as to dispense with public hearing on the following entitled bill:

HB 300, relative to the charter of the Plymouth Guaranty Savings Bank.

On further motion of the same Senator, the rules of the Senate were further suspended to permit the introduction of a Committee Report not previously advertised in the Journal.

Senator Dunlap, for the Committee on Banks & Insurance:

HB 300, relative to the charter of the Plymouth Guaranty Savings Bank. Ought to pass.

Senator Dunlap: "Mr President, this bill would permit the Plymouth Guaranty Savings Bank to up-date its charter. It would specifically provide that special deposits may be received by the bank on guaranty funds. It is similar to house-keeping bills of other banks that have been considered favorably here. I have made this motion for the reason that the House has already heard and acted on this at the present time. This bill originally dealt with small loans. All has been amended, also the title, to introduce this bill for the Plymouth Guaranty Savings Bank."

The bill was ordered to a third reading.

On motion of Senator Dunnington, the rules of the Senate were so far suspended as to permit the introduction of a Committee Report not previously advertised in the Journal.

Senator Humphreys, for the Committee on Finance:

HB 47, amending the benefits payable upon retirement. Ought to pass.

Senator Dunnington: "Mr. President, this bill is really a fringe benefit section of HB 46, as a good many Senators felt that HB 46 did not give quite as much money as we would have liked to give. This extra fringe benefit is one of the reasons why the SEA went along with this bill. It lessens the number of years for full retirement benefits from 35 to 30 years. It allows an employee to pay on the first \$1200 of salary that is not allowed now and to receive benefits. Those in the employ of the state over 30 years, it would allow a one-half credit for each year over 30 years."

Senator Gardner: "Mr. President, all the people in my area concerned with this bill are very much in favor of it. I will support it."

(Discussion ensued)

On a *viva voce* vote, the bill was ordered to a third reading.

On motion of Senator Buckley, the rules of the Senate were so far suspended as to permit the introduction of a Committee Report not previously advertised in the Journal.

Senator Buckley, for the Committee on Finance.

SJR 9, Joint Resolution to provide protection for Boar's Head at Hampton. Ought to pass with amendment.

Amend said resolution by inserting after the word "ninety." in line six thereof the following. This sum may also be used for similar construction or related repairs to protect other property on Boar's Head where erosion control is considered equally necessary by the department of public works and highways, so that said resolution as amended shall read as follows:

That the sum of fifty thousand dollars is hereby appropriated to be expended by the department of public works and highways for protection of the shoreline from erosion at Boar's Head in the town of Hampton. The sum hereby appropriated shall be used to continue the so-called rip rap construction from the end of the said construction on the south around Boar's Head to the same type of construction on the north. This sum may also be used for similar construction or related repairs to protect other property on Boar's Head where erosion control is considered equally necessary by the department of public works and highways. The work hereunder shall be completed on or before June 30, 1962. The governor is hereby authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

On motion of Senator Buckley, the reading of the amendment was dispensed with.

Senator Buckley: "Mr. President, this joint resolution pertains to providing protection for Boar's Head in Hampton. This is in the process of erosion that will eventually cause considerable damage to Boar's Head. Calls for \$50,000 rip-rap construction that has not been done."

Senator Humphreys: "Mr. President, the amendment while sounding complicated upon being read, is really not so. The original bill pinpointed where they may spend the money.

The amendment allows the work to be done where needed and does not pinpoint."

(Discussion ensued)

Senator Gardner spoke in support of the resolution and the amendment.

Senator Monahan spoke in support of the resolution and the amendment.

On a *viva voce* vote, the amendment was adopted, and the joint resolution as amended was ordered to a third reading.

### **Report of Committee of Conference**

The Committee of Conference, to whom was referred House Bill No. 199, An Act relating to the salaries of mayor and councilmen of the city of Franklin, having considered the same, report the same with the following recommendation: That the House recede from its position of non-concurrence, that the Senate recede from its position in adopting its amendments and that the following amendments be adopted:

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1 Payment to Councilmen. Amend chapter 260 of the laws of 1893 by inserting after section 11 the following new section: 11-a Each councilman shall be paid from the city a sum to be established by the council, after notice and public hearing, not to exceed twenty-five dollars, for each regular monthly meeting of the city council which he attends, but not exceeding twelve meetings in any year. Said sums shall be paid to each councilman quarter-annually and shall be in full payment for all services of any and every kind rendered by him as councilman.

Amend section 2 of the bill by striking out after the word "cause" in the ninth line the words "The mayor shall receive in full for his services an annual salary of two hundred dollars payable semi-annually, which shall be in full for all services of every kind rendered by him in said office" and inserting in place thereof the following: The mayor shall be paid out of the city treasury an annual salary to be established by the council, not to exceed two thousand dollars, after notice and public hearing, payable quarter-annually, which shall be

in full for all services of any and every kind rendered by him in said office. The mayor shall not be paid any fixed sum as an expense account but shall be reimbursed only for such specific expenses made by him in connection with his office as may be authorized and approved by the council prior to being incurred, provided, however, that the sums so authorized by the council shall not exceed two hundred fifty dollars for any one year, so that said section as amended shall read as follows: Sec. 12 The mayor of said city shall be chosen annually, and shall have a negative upon all the actions of the council to which his veto power would extend had the city government herein constituted provided for a board of aldermen. He shall preside in the meetings of the city council, but shall have no vote except in case of an equal division. In his absence the council may elect one of their number chairman, who shall have all the powers and perform all the duties of mayor during his absence of disability, or a vacancy in said office from any cause. The mayor shall be paid out of the city treasury an annual salary to be established by the council, after notice and public hearing, not to exceed two thousand dollars, payable quarter-annually, which shall be in full for all services of any and every kind rendered by him in said office. The mayor shall not be paid any fixed sum as an expense account but shall be reimbursed only for such specific expenses made by him in connection with his office as may be authorized and approved by the council prior to being incurred, provided, however, that the sums so authorized by the council shall not exceed two hundred fifty dollars for any one year.

Further amend the bill by inserting after section 2 a new section as follows: 3 Nothing in this act shall be construed as legislative endorsement of the maximum limits specified in sections 1 and 2 as presently suitable pay or remuneration for either the mayor or members of the city council, it being the intent hereby merely to remove the previously specified amounts and to vest in the city council the determination of suitable remuneration.

Further amend the bill by renumbering section 3 to read section 4.

James C. Cleveland  
Marion L. Phillips  
Conferees on the part of the House

Eugene P. Daniell  
David Deans, Jr.  
Wiggin S. Gilman  
Conferees on the part of the Senate

On motion of Senator Cleveland, the reading of the Report of the Committee of Conference was dispensed with.

Senator Cleveland: "Mr. President, the original bill established salaries for the Mayor and City Councilmen of the city of Franklin. The House Judiciary Committee amended the bill to take off all limitations. The Committee of Conference has established maximum limitations and said that no attempt is being made here to fix these salaries."

On motion of Senator Cleveland, the Senate voted to adopt the report of the Committee of Conference.

### House Message

Mr. President: The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

HB 396, to incorporate New Hampshire Dental Service Corporation.

### Read and Referred

To the Committee on Public Health, Welfare and State Institutions:

HB 396, to incorporate New Hampshire Dental Service Corporation.

### Statements

Senator Monahan offered the following statement:

Mr. President: I assume the routine resolution will be adopted by the House at the close of the session, thanking the General Court press corps for its close attention to our deliberations and its daily reporting of developments for the information of the public. However, I wish to go on record at this time as specifically complimenting the representative of the Manchester-Union Leader in the Senate for his faithful service and his objective reporting.



As but one example, of "faithful service", he sat through the entire hearing on the resources merger bill last Friday. As an illustration of "objective reporting", I refer the Senate to his factual account of yesterday's debate and vote on the same bill.

In these days when some reporters are tempted to editorialize their news and to slant their reports to satisfy the desires of their editors and publishers, it is refreshing to know we have at the Senate press table a competent reporter who tells us the next morning the uncolored significant highlights of the day before.

His services in summarizing hearings which we cannot attend because of other commitments are especially appreciated.

The day-after-day performance of Robert J. Drury is a credit to his profession and to the newspaper which he represents.

Senator English offered the following statement:

Mr. President: This year marks the hundredth year of the birth of Edward MacDowell, the distinguished composer, and the fifty-third year of the MacDowell Colony in Peterborough. I have previously on the Senate floor spoken of outstanding institutions in my area, feeling they must be of interest to the members of this distinguished body.

Edward MacDowell was best known for his "To A Wild Rose". The Colony that bears his name has become a place set aside where those of talent may work in peace and quiet to develop outstanding works in the field of literature, music and the graphic arts.

Four hundred acres largely forested and twenty-seven individual studios among a number of other important buildings are included in the Colony. So important is this spot that the American government has told its story to those behind the Iron Curtain to stress the attention which our nation gives to the cultural side of life.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time.

**Afternoon Session**

**Third Reading and Final Passage of Bills and Resolutions**

HB 300, relative to the charter of the Plymouth Guaranty Savings Bank.

SB 123, to impose an operating fee on aircraft.

HB 159, to rehabilitate the Sunapee State Park Sinking Fund.

HB 47, amending the benefits payable upon retirement.

HB 420, relative to unemployment compensation.

SJR 9, to provide protection for Boar's Head at Hampton.

**Announcement**

Senator Humphreys stated that at the request of Senator Daniel, Senator Caron would serve on the sub committee to study the Senate redistricting bill instead of Senator Daniel.

On motion of Senator Paquette, the Senate adjourned at 1:50 P.M.

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THURSDAY, JUNE 22, 1961

The Senate met according to adjournment.

**Guests**

As the guest of Senator English, Mr. and Mrs. Dewey Sequin of Sharon.

As the guest of Senator Monahan, Mrs. Earle Chandler of Bartlett, the wife of the Co Majority Leader in the House of Representatives.

As the guest of Senator Holmes, the Honorable Raymond F. Batchelder, Selectman in the town of Wilton.

**House Message**

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 108, relative to the town of Hampton Municipal Development Authority.

HB 298, to limit the period for which past-due support of institutional inmates may be recovered and the rate for support of inmates at Laconia State School.

HB 330, relative to the Concord city charter.

The Message further stated that the House has voted to concur with the Senate in the passage of the following entitled bill, sent down from the Senate:

SB 134, relating to La Caisse Populaire Ste. Marie or St. Mary's Bank.

The Message further stated that the House has voted to concur with the Senate in its amendments to the following entitled bills:

HB 346, establishing a department of resources and economic development merging therein planning and development, forestry, recreation, and transferring thereto for limited purposes the water resources board and the New Hampshire state port authority.

HB 418, relative to legislative mileage.

The Message further stated that the House has voted to adopt the report of the Committee of Conference on:

HB 199, relating to the salaries of Mayor and Councilmen of the city of Franklin.

**Read and Referred**

To the Committee on Resources, Recreation & Development:

HB 108, relative to the town of Hampton Municipal Development Authority.

To the Committee on Public Health, Welfare & State Institutions:

HB 298, to limit the period for which past-due support of institutional inmates may be recovered and the rate for support of inmates at Laconia State School.

To the Special Committee, consisting of Senators Cheney, Cleveland and Dunlap:

HB 330, relative to the Concord city charter.

### Committee Reports

Senators Bunten, Daniel and Bergeron, for a Majority of the Committee on Banks & Insurance:

SB 131, relating to stamps, coupons, tickets, certificates, cards or other similar devices. Ought to pass.

Senators Dunlap and Cleveland, for a Minority of the Committee on Banks & Insurances:

SB 131, relating to stamps, coupons, tickets, certificates, cards or other similar devices. Inexpedient to legislate.

The reports were accepted.

Senator Bergeron: "Mr. President, this bill was introduced by me sometime ago by request. From then on, I have had many letters and communications with an amazing amount of support for this bill. Since the bill has been read, there has been even a great amount of communication with the balance going the other way. However, this bill is exactly as the bill drawn up in the state of Wyoming which is law there. I know there are going to be some remarks made as to this being constitutional."

Senator Dunlap moved that the words, Inexpedient to legislate, be substituted for the words, Ought to pass, and spoke in support thereof.

Senator Dunlap: "Mr. President, the hearing conducted on this measure brought out a great deal more testimony in opposition to the passage than it did proponents of the legislation. This is the kind of thing that you might expect at the last minute. I will not attempt to read any of the communications, but many were addressed to the Banks Committee. They are all opposed to the bill. I am sure that there have been some communications to the Senators that indicate that people

support it. The trading stamp business has been conducted in New Hampshire since 1904. It is a legitimate private business just like any other business. I think if we enter into opposition in barring promotional progress, I think we would have to question the dealer who gives balloons, etc. away. Stamps are only one kind of promotional give-away. The bill as presently written will not prohibit any promotional devices such as silver, china, etc. It would not in any way affect this operation. There is one concern in New Hampshire that sells one stamp company some five hundred thousand dollars' worth of merchandise. Some 85 people are gainfully employed in one phase or another of this business. The Minority of the Committee respectfully request that the Senate support the motion to vote this Inexpedient on the basis that the smaller merchants would be seriously handicapped if this promotional advertising were restricted and could no longer be used."

Senator Cleveland: "Mr. President, I am in support of the motion of Senator Dunlap. It may be true that there is a law in Wyoming and it may be true that that law has been passed by that state. But it so happens that we are in the state of New Hampshire and we must uphold our own Constitution. Sometimes in different states, their Constitutions may differ. I have read two cases based on these matters:

State vs Ramseyer    73    New Hampshire Page 31  
Decision 1904

State vs Company    84    New Hampshire Page 322  
Case in 1930

Both of these decisions are very clear. One decision upholds the other that a bill such as this is clearly unconstitutional. It is an attempt by legislation to put a legitimate company out of business. The people who are proponents of this type of legislation and wish to introduce a bill early in the session, and have it sent to the court for an opinion, that is another matter. But this bill was introduced late in the session and is absolutely unconstitutional."

Senator Drake spoke in support of the motion to substitute. Stated that he as a store owner had for twelve years given S&H green stamps and that never once had he raised his prices to cover the cost of the stamps. Stated that this was a legitimate means of promotional advertising.

Senator Caron stated that she had communications from 50 or 60 of her constituents in Manchester in favor of the use of green stamps. Stated that they felt if they wished to trade where these stamps are given, that is their prerogative."

Senator Battles inquired of Senator Cleveland: "Can you tell me whether or not it would be legal for a green stamp company to allow a store in one town to have the stamps and not allow another store in that town to have the green stamps?"

Senator Cleveland: "That would be between the stamp company and the individual stores."

Senator Lamontagne stated that he could see no difference in the way that the stamps are being handled any more than in the matter of Boston papers, for example. Stated that possibly only one or two dealers in a town might handle the same papers.

Senator Daniel moved that the bill be referred to the Legislative Council for further study.

Senator Bergeron spoke against this motion.

Question being on motion of Senator Daniel.

On this question, Senator Battles asked for a Division vote.

Three Senators having voted in the affirmative, and twelve Senators having voted in the negative, the negative prevailed, and the motion was lost.

Question now being on motion of Senator Dunlap to substitute.

Senator Lamontagne moved that further consideration of the bill be indefinitely postponed.

On a *viva voce* vote, the affirmative prevailed, and the motion to indefinitely postpone carried.

### **Committee Reports (continued)**

Senator Cheney, for the Committee on Finance:

HB 280, relative to a civil defense fire and rescue training center. Ought to pass.

Senator Gardner, "Mr. President, HB 280 would establish a training school in a nearly centrally located area of the state.

"True, there is a privately owned training school in Fitzwilliam whose owner has been very generous in allowing volunteer firemen to use his facilities, however it is a necessity to have a training center which would be of use to the firemen at all seasons of the year both for classroom instruction and on the spot training — a chance for the volunteer fireman to learn while doing.

"There are approximately 12 A. in the Lily Pond area — a natural spot for a fire and rescue training center.

"The federal government will participate in 50% of the cost of construction up to \$35,000. \$1500 is for maintenance and personal services.

"The volunteer firemen have gone as far as they can — bulldozing the area and sinking a tank.

"The sum of \$36,500 is to be expended by the civil defense agency for the following purposes: tower, smoke house and rescue section cubicles, \$10,000; building for classroom, kitchen, toilet facilities and heating, \$20,000; equipment, \$5,000; maintenance and personal services, \$1500.

"I feel this is a necessity. I certainly would have supported the bill had the area been elsewhere. However, I am very happy we have a natural setting for all purposes in my own area."

Senator Drake spoke in support of the bill, stating that he had contacted various fire departments in his area and that all have agreed that they will take care of the costs of the training period in order that their firemen may participate.

The bill was ordered to a third reading.

Senator Cheney, for the Committee on Finance:

HB 229, for the acquisition of the Adams property in Durham for development of wildlife management area. Ought to pass.

Senator Buckley: "Mr. President, this Adams property is located on Great Bay in Durham. This is actually the gateway to Great Bay. This would require \$5,000 a year up to 10 years. Then it will be re-appraised if the owner is still living. Will actually cost \$50,000, but some will be paid by the federal government, about 75% by federal government."



Senator Monahan: "Mr. President, I am in support of the committee report. This is the type of constructive and progressive legislation that I like to see enacted."

The bill was ordered to a third reading.

Senator Cheney, for the Joint Committee on Finance and Military & Veterans Affairs:

HB 206, relating to the construction of state armories. Ought to pass with amendment.

Amend said bill by striking out in line one of section 1 thereof the word "twenty-five" and inserting in place thereof the word, fifty, so that said section as amended shall read as follows:

1 Appropriation. The sum of one hundred fifty thousand dollars, or so much as may be needed, is hereby appropriated for the construction and equipping of new state armories at Franklin and Laconia, to replace existing buildings which are inadequate to provide the necessary facilities; provided that the federal government contributes at least equally with the state in the cost of such construction; and provided, that the title to new armories constructed by the use of any of the funds herein provided shall be vested in the state. The sums hereby appropriated shall be expended under the direction of the adjutant general with the approval of the governor and council.

Further amend said bill by striking out in lines two and three of section 3 thereof the word "twenty-five" and inserting in place thereof the word, fifty, so that said section as amended shall read as follows:

3 Funds Authorized. The treasurer is hereby authorized to borrow upon the credit of the state an amount not exceeding one hundred fifty thousand dollars to provide the funds herein appropriated and for that purpose may issue bonds or notes, at such times, in such denominations, and with such rate of interest, dates of maturity and other provisions as the governor and council shall determine. Such bonds or notes shall be deemed a pledge of the faith and credit of the state and such bonds or notes shall be signed by the treasurer and countersigned by the governor. The proceeds from the sale of such notes or bonds shall be held by the treasurer, and paid out by him upon warrant drawn by the governor, with the advice and

consent of the council, for the purpose herein set forth alone. The secretary of state and the treasurer shall keep account of such bonds or notes in the same manner as accounts are kept of other bonds or notes of the state.

Senator Gardner: "Mr. President, I am speaking as a representative of the Laconia area. I am not familiar with the Franklin situation, however, at the public hearing many from Franklin appeared, all in favor of HB 206.

"In my area the parking situation is serious, there is a serious lack of storage space.

"There are 155 guns in the artillery units, all clothing, electrical equipment, ammunition, small arms weapons, etc. are stored. The HQ's battery is here and quarters are very cramped.

"You may ask as a member of the committee 'Is an armory in Laconia a necessity?' I say, 'Yes.' One of the most important reasons is this: In case of disaster the armories are the only places properly set up to receive people. I have reference to any disaster such as a serious fire, also one which may be the result of attack where certain areas would of necessity have to receive those evacuated by other areas. Of course then Civil Defense would be a very important factor.

"Take for instance a flood where accommodations would have to be found for persons removed from their homes.

"In my area the armory is equipped with a portable kitchen, a very valuable asset in any community.

"When persons are lost the National Guard is one of the first to be called in.

"The reason for the necessity for additional funds I understand, is because of additional costs due to construction.

"Admiral Brinkman of Civil Defense and Adjutant General McSwiney of the New Hampshire National Guard also appeared in favor of this bill.

"I urge its passage."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading.

### Announcement

The President made the following announcement: "It is planned to hold the Senate in session today until the report of the Committee of Conference on the budget bill is presented. If so, there will be no session tomorrow or Monday. We will be able to adjourn until Tuesday. We will remain in Recess to receive the message."

### Committee Reports (continued)

Senator Sawyer, for the Committee on Public Health, Welfare & State Institutions:

SB 137, relative to chiropractic and the duties of the board of examiners. Inexpedient to legislate.

Senator Sawyer: "Mr. President, this bill was introduced by one of the Senators by request, who appeared before the committee and stated that he had no personal interest in the bill. It is practically the same as a bill introduced in the House earlier. That bill was thoroughly heard by the House and voted Inexpedient. At our hearings, about 30 people, all chiropractors, were present. They were divided in their thinking. This is a move on the part of the younger chiropractors to invade the practice of medicine and utilize some of the methods used in the practice of medicine. Some are liable to cause injury to the body if used by those not properly trained in their use. Various things were discussed before this committee which were not pertinent to the bill itself. The Committee, after thorough discussion, voted that the bill should be reported Inexpedient to legislate."

On a *viva voce* vote, the recommendation of the committee was adopted.

Senator Caron, for the Special Committee consisting of the Manchester Senators:

HB 295, relative to future water supplies for the city of Manchester. Ought to pass.

Senator Caron: "Mr. President, Mr. Sweeney explained that the City of Manchester now uses water faster than the Massabesic Watershed can produce it. This bill is a productive measure in case of future water needs permitting the City of Manchester through its water department to purchase lands

and access to streams outside of the City of Manchester that would contribute to the water supply of Manchester.

"This would be a permissive bill for the purchase of land, construction of reservoirs if needed and the building of dams if necessary, also the laying of pipe lines through property not now owned by the Manchester Water Works."

On a *viva voce* vote, the bill was ordered to a third reading.

Senator Cheney, for the Joint Committee on Finance and Ways & Means:

HB 282, relative to taxation of boats. Ought to pass with amendment.

Amend House Bill 282, as amended by inserting after section 4 thereof the following:

5 Amend RSA 74 by inserting the following new section after section 3-a thereof

74:3-b Continuing Fund. There is hereby appropriated the sum of six thousand dollars to be credited to the appropriation for the tax commission which shall constitute a continuing fund to be used to defray the costs of administration of the provisions of RSA 74:3-a. On or before December first in each year the tax commission shall charge against and bill each town and city for its proportionate share of the cost of administering the provisions of RSA 74:3-a, based upon the number of statements of ownership filed relating to boats in such towns and cities. The sums so reimbursed shall be credited to the continuing fund, no portion of which shall lapse. It shall be kept separate and apart from the other funds of the tax commission and shall be used as the need may arise in the next following and succeeding years to defray the costs of administration aforesaid so long as said law remains in effect. No portion of said fund shall be transferred or used for any other purpose than that herein provided for.

Further amend said bill by striking out section 5 thereof and inserting in place thereof the following:

6 Takes Effect. This act shall take effect July 1, 1961.

Senator Eaton explained the amendment and the bill and spoke in support of same.

Senator Gardner stated that she and Senator Buckley had worked on this amendment. Stated that she was very much in favor of this bill and amendment and stated that most everyone in her area was also in favor of it.

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading.

### **Guest**

As the guest of the Senatorial Delegation from Manchester, Attorney Andre J. Barbeau, Clerk of the Municipal Court of Manchester, N. H.

### **Engrossed Bills**

Senator Monahan, for the Committee on Engrossed Bills:

HB 442, relative to the licensing of real estate brokers and salesmen. Under Joint Rule No. 6 with the following amendment:

Amend RSA 331-A:4 as inserted by section 1 of said bill by striking out the third sentence and inserting in place thereof the following:

Upon completion of the application and the payment of the required fee, the commissioner of insurance shall issue the appropriate license.

On motion of Senator Monahan, the Senate voted to concur in the adoption of the amendment offered by the Committee on Engrossed Bills.

### **Report of Committee of Conference**

The Committee of Conference to whom was referred House Bill No. 393, relative to assessments by insurance firms, having considered the same, reports the same with the following recommendation:

That the House recede from its position of non-concurrence and concur with the Senate in the adoption of the following amendment:

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Fees. Amend RSA 405 by inserting after section 37 thereof, the following new section 405:38 Fees. No fee for

the license aforesaid shall be required of any agent of an insurance company whose license fees as such agent amount to ten dollars; and in case his license fees as such agent are less than ten dollars, then he shall be required to pay such amount as with such fees shall amount to ten dollars.

2 Takes Effect. This act shall take effect upon its passage.

Lucien E. Bergeron

Philip S. Dunlap

Conferees on the Part of the Senate

Ernest R. Coutermarsh

Ralph W. Brewster

G. Stuart Hancock

Conferees on the Part of the House

On motion of Senator Bergeron, the Senate voted to concur in the adoption of the report of the Committee of Conference on the above entitled bill.

### **Congratulations**

The President, on behalf of the entire Senate, offered congratulations to Senator Holmes on the occasion of today being her birthday.

### **Report of Committee of Conference**

The Committee of Conference to whom was referred House Bill No. 24, An act to restrict outdoor advertising on the interstate highway system, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency in the amendments sent down by the Senate of paragraph II of RSA 249-A:2, paragraph IV of RSA-A:3 and RSA 249-A:11, as inserted by section 1 of the bill, and concur with the Senate in the adoption of said amendments;

That the House recede from its position of nonconcurrency in the amendments sent down by the Senate to paragraph I of RSA 249-A:3, as inserted by section 1 of the bill, and its amendment of section 2 of the bill; that the Senate recede from its position in the adoption of its said amendments, and that the House and Senate concur in the adoption of the following amendments:

Amend paragraph I of RSA 249-A:3 as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

I. Advertising devices in areas adjacent to segments of the interstate system which traverse areas legally zoned on September 21, 1959 as industrial or commercial, or in areas where, on September 21, 1959, outdoor advertising was subject to municipal regulation or control.

Further amend said bill by striking out section 2 and inserting in place thereof the following:

2 Takes Effect. This act shall take effect thirty days after passage.

Robert S. Monahan

Paul H. Daniels

Conferees on the Part of the Senate

Henry C. Newell

Robt. F. Congdon

Malcolm J. Stevenson

Conferees on the Part of the House

Senator Monahan explained the Report of the Committee of Conference.

Senator Battles raised several questions.

(Discussion ensued)

On motion of Senator Battles, the Senate voted to lay upon the table the above report of Committee of Conference until 1:59 P.M. today.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills and House Joint Resolution:

HB 232, relating to the liability of landowners.

HB 291, in relation to discharging firearms.

HB 347, requiring voting of county budgets annually.

HB 418, relative to legislative mileage.



SB 155, legalizing the annual town meeting held in the town of Roxbury in 1961.

SB 69, providing for the disposition of certain abandoned property.

SB 98, relative to mufflers on motor vehicles.

HJR 34, providing for a study into the feasibility of state participation in cost of group insurance for state employees.

SB 49, establishing a department of health and welfare and providing for the merger therein of certain departments and agencies within the state government.

Robert S. Monahan  
For the Committee

### Special Order of Business for 11:01

Senator Monahan called for the Special Order.

SB 75, reorganizing the Council of Resources and Development and providing an Executive Coordinator thereof.

Being consideration of committee report, inexpedient to legislate.

Senator Monahan: "Mr. President, as explained on Tuesday, when a Special Order was requested for SB 75, this measure to reorganize the existing Council on Resources and Development was introduced early in the session so that an alternative plan might be available for those legislators who could not accept the Administration's merger bill establishing a Department of Resources and Economic Development.

"Further consideration of SB 75 is now beside the point, because HB 346, which was approved by the House yesterday with Senate amendments —and we should have added many more to correct some of its most glaring inconsistencies, provides in lines 337 and 338 of the printed bill for repealing the Council on Resources and Development.

"Early in the session I realized — as do all Senators — that I could not learn everything about all bills, so I selected certain Senators with obvious knowledge in special fields and in whose opinions I had confidence. I consistently supported their recom-

mendations and am glad I did. I had hoped this confidence might be reciprocal.

"Mr. President, on Wednesday, June 14, as recorded on page 736 of the JOURNAL, the Majority Leader opposed an amendment to section 2 of the Budget Bill relative to the Finance and Appropriations Committees acting during the interim between sessions. He explained, 'The Governor feels that this is an encroachment upon the executive branch.' I agreed with that position — as did a majority of the Senate — never realizing that less than a week later the Governor himself would encroach upon the normal legislative procedures of the Senate in such a brazen manner it is still difficult to believe actually happened during the resources merger discussion. It is high time the Senate realized that we, too, have separate powers and responsibilities which should be respected by the executive branch.

"This may be my 'Swan Song' in the Senate for various reasons, which I need not explain. My last sponsored bill (SB 150 dealing with emplaning fees at the Lebanon Regional Airport) is being acted upon by the House today. My last committee of conference report (HB 24 relative to outdoor advertising control) has just been discussed on the floor. My next-to-last committee bill (HB 89 dealing with water pollution classification) completed its continued hearing late yesterday. The one bill still before the Resources Committee is the complicated and controversial Hampton Marsh Reclamation Authority bill received from the House only five minutes ago.

"From now on I intend to devote the bulk of my time to the thankless but essential chore of expediting the work of the Engrossed Bills Committee.

"I have enjoyed serving with you in the Senate and I leave but one plea: guard jealously the Constitutional doctrine of the separation of powers among the executive, legislative and judiciary branches of government. Otherwise, we could be asking for real trouble in New Hampshire.

"As for the pending Senate Bill 75, I move that this measure be given the decent burial it deserves — out of respect to the many citizen groups that supported it to no avail, and that it be recommitted to the Committee on Resources, Recreation and Development, whose chairman has a large hip pocket."

On motion of Senator Monahan, the above entitled bill with accompanying report was recommitted to the Committee on Resources, Recreation & Development.

The President recognized Senator Cleveland: "Mr. President, for the record, I would like to compliment the Senator from the 5th District for his very fine statement just made and I concur with his remarks. I might say this, I have served in this Senate for 6 terms and, like Senator Monahan has said, this may be near the end of my service, or my swan song. The Senators from the 5th District, in my service have been men of unusual calibre. I refer to the former Senator from that District, Ed Bennett, and before him, Governor Lane Dwinell, and I cannot help but feel that both of these men would be proud of the Senator who now sits in their seat."

The President recognized Senator Sawyer, who inquired what progress had been made by the Committee of Conference on the deer bill.

Senator Drake replied that he was still trying to get the Committee together to come to some decision.

The President suggested that perhaps this might be accomplished during the coming Recess of the Senate.

Senator Lamontagne offered the following Resolution:

*Whereas*, William Kavesh, a student at Central High School, and Miss Lisette Thibodeau, a student at St. George High School, both of Manchester, N. H., were the winners of the essay contest requiring an essay with the title "Define Communism and Offer, in Your Opinion, the Most Effective Means of Combatting It in the United States" sponsored by the Manchester National Bank,

*Whereas*, their said essays have been inserted in the Congressional Record at the request of and with the commendation of Senators Bridges and Cotton.

*Whereas*, they have been commended by J. Edgar Hoover, Director of the Federal Bureau of Investigation for their essays, now therefore be it

*Resolved* by the Senate of the General Court of New Hampshire that we hereby commend Miss Lisette Tribodeau,

Mr. William Kavesh and the Manchester National Bank for this effort and endeavor, and be it further

*Resolved* that the clerk be directed to transmit a copy of this resolution to Miss Thibodeau, Mr. Kavesh, and Mr. John B. McDuffee of the Manchester National Bank.

Senator Lamontagne: "Mr. President, I am happy to have the Manchester Senators as co-sponsors of this Resolution. I am very interested in this subject. I think that these two youngsters certainly have taken leadership in their essays and we wish to compliment them. I feel that inasmuch as our United States Senators have had the essays read into the Congressional Record, that it is only fitting that mention be made in our own Senate Journal."

### **Introduction of Senate Bill, and First & Second Reading of same**

SB 156, relative to state employees retirement system.  
(Bergeron)

On motion of Senator Dunlap, the rules of the Senate were so far suspended as to dispense with printing and referral to Committee of the above entitled bill.

On further motion of the same Senator, the rules were further suspended to place the above bill on its third reading and final passage at the present time.

### **Third Reading & Final Passage of Bill**

SB 156, relative to state employees retirement system.

Senator Caron offered the following Resolution, which was unanimously adopted by a standing vote:

*Whereas*, Sunday, June 25, commemorates the forty-ninth wedding anniversary of the Honorable Senator from District 13, Senator Louis Paquette of Nashua,

*Whereas*, the much beloved member has contributed greatly to the deliberations of the Senate due to his kindness, wisdom, good humor and christian deportment, therefore be it

*Resolved* that we extend our heartfelt congratulations to the member from District 13 and his good wife on this their forty-ninth anniversary, and be it further

*Resolved* that when the Senate adjourns today, it adjourns in honor of the Senator Paquette and his loving wife.

Senator Paquette expressed his thanks and appreciation of the above Resolution.

The President recognized Senator Lamontagne who spoke under special privilege:

“Mr. President, this morning, I have talked with the Chairman of the House Judiciary Committee and the report that I have received on my SB 136 — I was certainly disappointed by the remarks made by that Chairman. I wish to have the record show that I am not going to criticize any individual on how they vote. I have never criticized any member of any committee on how they voted. I wish to bring it to the attention of the people and all these individuals from whom I have received communications. I have letters, telegrams, etc., from over 125 people. I did agree with Senator Holmes in the amendment to my bill. When the hearing was heard in the Senate, I thought it was fair and that it was going toward the right direction. Senator Holmes and I, the Board of Education, were present at the hearing. Before the Senate hearing, the educators were in opposition and they had reason. When they appeared before the House, they were in favor of the bill. Now, there seems to be a little trouble in the Judiciary Committee. My main reason that I wish to bring this matter up before the people is because I feel that if this bill is going to die in committee, which I hope that it will not, I hope they will all speak with their representatives and come out with some type of legislation this year Senator Holmes and her Committee did an excellent job in presenting an amendment to which we were agreeable. Now the House Committee cannot agree with the Senate.”

Senator Battles offered the following Concurrent Resolution:

*Whereas*, the New Hampshire General Court has approved legislation to establish a new Department of Safety; and

*Whereas*, every effort should be expended to the end that this Department will be in a position to administer the finest highway safety program possible; and

*Whereas*, with such a large percentage of our motor vehicle travel originating outside of our state, it is imperative that

any change in our motor vehicle laws should be aimed towards uniformity with motor vehicle laws of other states; and

*Whereas*, the Uniform Vehicle Code is recognized throughout the nation as the goal towards which all states should strive in modernization of their traffic laws;

*Therefore Be it Resolved*, that a special interim uniform vehicle laws study committee be authorized to compare our state's laws with the Uniform Vehicle Code and prepare legislation which may be presented to the next session of the Legislature to bring our state's traffic laws into closer conformance with the provisions of the Code; and

*Be it Further Resolved*, that the committee shall consist of three members of the Senate to be appointed by the President of the Senate; four members of the House to be appointed by the Speaker of the House; the Director of Motor Vehicles; the Director of State Police; the Attorney General; and five citizens at large, representing organized groups of motor vehicle owners and industries associated with highway transportation, to be appointed by the Governor.

Senator Battles: "Mr. President, I think the Resolution is self explanatory. The purpose of this Interim Study Committee would be to provide uniform safety laws that are uniform with other states."

On a *viva voce* vote, the above Concurrent Resolution was adopted.

### Committee Report

Senator Monahan, for the Committee on Engrossed Bills:

HB 46, providing for salaries for classified and unclassified state employees. Under Joint Rule No. 6 with the following amendment:

Amend section 13 by inserting after the second line the following: and who shall be fully qualified by scientific training and experience

Amend section 15 by striking out "9, Laws of 1950" and inserting in place thereof, 98 RSA

On motion of Senator Monahan, the Senate voted to concur in the adoption of the amendment offered by the Committee on Engrossed Bills.

The President declared a Recess, subject to the call of the Chair.

(Recess)

The Senate reassembled.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 165, relative to expenditure of state appropriations.

HB 209, to clarify and make more uniform the laws relating to banking and to make certain technical amendments thereto.

HB 475, providing for the taxation of banks.

HB 272, relative to the consumption of liquor and beverages.

HB 225, relative to states guarantee of mortgages or industrial buildings.

HB 463, to incorporate the inhabitants of the part of Lisbon into a separate town, with the privileges and immunities of other towns in the state.

HB 465, establishing marriage counseling service.

HB 483, making appropriations for capital improvements, long term repairs and deferred maintenance for the State of New Hampshire.

HB 487, creating the Nashua Airport Authority.

HJR 44, in favor of the estate of R. Wilbur Potter.

The following Message was received from the House:

Mr. President:

The Speaker of the House requests that the Honorable Senate meet the House in Joint Convention.

The Senate joined the House in Joint Convention.

(See House Journal)



The Senate in regular session.

### Read and Referred

To the Joint Committee of Finance & Executive Dept., Municipal & County Government:

HB 165, relative to expenditure of state appropriations.

To the Committee on Banks & Insurance:

HB 209, to clarify and make more uniform the laws relating to banking and to make certain technical amendments thereto.

To the Joint Committee on Ways & Means and Banks & Insurance:

HB 475, providing for the taxation of banks.

To the Joint Committee of Finance and Banks & Insurance:

HB 225, relative to state guarantee of mortgages on industrial buildings.

To the Committee on Ways & Means:

HB 463, to incorporate the inhabitants of the easterly part of Lisbon into a separate town, with all the privileges and immunities of other towns in the state.

To the Committee on Finance:

HB 483, making appropriations for capital improvements, long term repairs and deferred maintenance for the State of New Hampshire.

To the Committee on Judiciary:

HB 465, establishing marriage counselling service.

On motion of Senator Cleveland, the above order was revoked and the bill was referred to the special committee consisting of Senators Gardner, Phillips, Holmes and Caron.

On motion of Senator Caron, Senator Cleveland was also named a member of the committee.

The following entitled bill was read a first and second time:

HB 487, creating the Nashua Airport Authority.

On motion of Senator Eaton, the rules of the Senate were so far suspended as to dispense with referral to Committee of the above entitled bill.

On further motion of the same Senator, the rules were further suspended as to place the above bill on its third reading and final passage at the present time.

### **Third Reading & Final Passage of Bill**

HB 487, creating the Nashua Airport Authority.

The following Joint Resolution was read a first and second time:

HJR 44, in favor of the estate of R. Wilbur Potter.

On motion of Senator Cheney, the rules of the Senate were so far suspended as to dispense with referral to committee of the above joint resolution.

On further motion of the same Senator, the rules of the Senate were further suspended to place the above joint resolution on its third reading and final passage at the present time.

### **Third Reading and Final Passage of Joint Resolution**

HJR 44, in favor of the estate of R. Wilbur Potter.

The following entitled bill was read a first and second time:

HB 272, relative to the consumption of liquor and beverages.

Senator Lamontagne moved that further consideration of the above entitled bill be indefinitely postponed, and spoke in support of the motion.

Senator Cleveland moved that the motion of Senator Lamontagne be made a Special Order of Business for next Tuesday morning at 11:02.

On a *viva voce* vote, the motion carried.

On motion of Senator Drake, the bill as amended in the House to be printed in the Senate Journal.

On a *viva voce* vote, the above motion carried.

### Interim Report from Committee of Conference on HB 373

The President called on the Chairman of the Senate Conference, Senator Humphreys.

Senator Humphreys: "Mr. President, we were in session for about 7 days, including Sunday work and evenings and an impasse has been reached. In the last session of the Committee of Conference, we thought we had an agreement, finally, that we might be able to get together and make a unanimous report. I agreed as a member of that Committee that I would go along with the compromise on one condition, having been informed previously that the Governor would veto the budget bill and return it to us unless it was in balance. I think you realize that no one wants a budget bill returned to us at a cost of \$8,000 a day. I think I am right in saying that a majority of the general court would be very much disappointed to have the budget bill returned to us with a veto. I would go along with the Governor that he would not veto the bill if we compromised. I have not yet had that assurance and therefore will not go along with the Committee of Conference. . . ."

Senator Cleveland inquired: "Just how far apart are these people on the Conference Committee?"

Senator Humphreys: "\$150,000 for the biennium or \$75,000 each year."

Senator Cleveland: "I will repeat the remarks that I made in the House. I cannot understand how a Conference Committee can fall apart on an issue of \$75,000."

The President: "Since 1:30 this afternoon I have been trying to break that \$75,000 a year and have failed."

Senator Cleveland: "To proceed with the line of inquiry — the only thing that I cannot understand is the impasse being over some \$75,000 a year. It costs us \$8,000 a day to be here and deliberate. I raise the question of why should the general court be held up here on a \$75,000 impasse. I think there is a little breakdown in leadership. I wish to compliment the members of the Conference Committee. They have stuck by their guns. . . . In my remarks, I have cast no aspersions on the Chair, but this is an extraordinary situation and I have never heard

of an attempt to have a Joint Convention instead of a Conference Committee."

(Discussion ensued)

Senator Cleveland inquired of Senator Battles if by a balanced budget, he meant to include also the \$500,000 which the Governor is asking as a cushion.

Senator Battles replied in the affirmative.

Senator Battles moved that the Senate Conferees be instructed to balance the budget.

(Discussion ensued)

Senator Cleveland offered the following amendment to the motion of Senator Battles: a balanced budget which means that income and outgo are in balance.

(Discussion ensued)

Senator Lamontagne moved the previous question. Seconded by Senator Caron.

On a *viva voce* vote, the affirmative prevailed.

Question now being on the adoption of the amendment offered by Senator Cleveland.

On the question, Senator Battles demanded a Roll Call.

Senator Cleveland: "A balanced budget can be a budget where income equals outgo and where an item set aside for surplus is also included. I don't want to be responsible as to the amount."

(Discussion ensued)

Senator Cleveland: "Mr. President, I withdraw my amendment. Apparently I have not made myself clear as to my intent."

Senator Battles withdrew his demand for a Roll Call.

Senator Holmes: "Mr. President, I would move to amend the motion of Senator Battles to instruct the Senate Conferees to bring in a report of a budget that is balanced with whatever cushion is wise."

(Discussion ensued)

Senator Caron spoke in favor of the amendment.

Senator Cleveland stated that he would support the amendment which was more what he intended to say than what had been offered by him above.

Question being on adoption of amendment offered by Senator Holmes.

On this question, Senator Battles demanded a Roll Call.

The Clerk proceeded to call the Roll.

The following named Senators voted in the affirmative: Drake, McMeekin, Sawyer, Monahan, Gardner, Cleveland, Phillips, Dunlap, Eaton, Holmes, Paquette, Buntin, Cheney, Caron, Provost, Daniel, Dunnington, Buckley, Battles, and Humphreys.

The following named Senators voted in the negative: Lamontagne and Bergeron.

Twenty Senators having voted in the affirmative, and two Senators having voted in the negative, the affirmative prevailed, and the amendment was adopted.

Question now being on the adoption of the motion of Senator Battles that the Senate instruct the Conferees to balance the budget as amended by Senator Holmes.

On a *viva voce* vote, the affirmative prevailed, and the motion was adopted.

### House Message

Mr. President:

The House of Representatives has moved that the House Conferees be instructed to maintain their position in accordance with the tentative agreement arrived at by them this afternoon.

The Message further stated that the House has voted to concur with the Senate in the passage of the following entitled bills sent down from the Senate:

SB 88, to grant tax exemption to national veterans associations.

SB 147, pertaining to Dillant-Hopkins Airport.

SB 145, relative to teaching persons to drive.

The Message further stated that the House has voted to adopt the amendments offered by the Committee on Engrossed Bills to the following House Bill, in the adoption of which amendments the House asks the concurrence of the Senate:

HB 413, making it possible for the trustees and custodians to invest in life insurance, endowment and annuity contracts.

Amend section 3 of said bill by striking out the same and inserting in place thereof the following:

3 Gifts to Minors. Amend the first sentence of paragraph I of RSA 463-A:2 (supp) as inserted by 1957, 74:1 by inserting after the word "money" in the second line the words, or a life insurance, endowment or annuity contract, so that said sentence as amended shall read as follows: An adult person may, during his lifetime, make a gift of a security or money or a life insurance, endowment or annuity contract to a person who is a minor on the date of the gift.

Amend section 4 of said bill by striking out the first line and inserting in place thereof the following:

4 Manner of Making Gift. Amend paragraph I of RSA 463-A:2 (supp) as inserted by 1957, 74:1 by adding at the end thereof

Amend section 5 of said bill by striking out the same and inserting in place thereof the following:

5 Investment. Amend paragraph V of RSA 463-A:4 (supp) as inserted by 1957, 74:1 by adding at the end thereof the following: The custodian may invest the custodial property in life insurance, endowment or annuity contracts on the life or for the benefit of the minor, so that said paragraph as amended shall read as follows:

V. The custodian, notwithstanding statutes restricting investments by fiduciaries, shall invest and reinvest the custodial property as would a prudent man of discretion and intelligence who is seeking a reasonable income and the preservation of his capital, except that he may, in his discretion and without liability to the minor or his estate, retain a security given to the minor in a manner prescribed in this act. The custodian may invest the custodial property in life insurance, endowment or annuity contracts on the life or for the benefit of the minor.

On motion of Senator Monahan, the reading of the amendment was dispensed with and he explained the amendment.

On a *viva voce* vote, the amendment offered by the Committee on Engrossed Bills was adopted.

The Message further stated that the House has voted to concur with the Senate in the passage of the following entitled bill, with amendments, in the passage of which amendment the House asks the concurrence of the Senate:

SB 57, establishing an interim committee to study the question of extending the powers of the Maine-New Hampshire Interstate Bridge Authority.

Amend section 2 of the bill by inserting after the word "provided" in the fifth and sixth lines the words, however, that the total of said compensation and expenses shall not exceed one thousand dollars, and provided, further, so that said section as amended shall read as follows:

2 Appropriation. The members of said committee shall be paid at the rate of ten dollars per day when occupied in the work of said committee and the expenses of said committee, including, but not being limited to, secretarial help, keeping of minutes of all meetings, hiring of consultants, writing of reports, printing of final report, and any other regular and necessary expenses shall be paid, provided, however, that the total of said compensation and expenses shall not exceed one thousand dollars, and provided, further that the commissioner and deputy commissioner of public works and highways shall not receive the above provided per diem: all of which shall be paid for out of funds of the department of public works and highways.

On motion of Senator Battle, further consideration of the above bill with amendment, was made a Special Order of Business for next Tuesday at 11:01. This motion was also at the request of the President.

The Message further stated that the House has voted to concur with the Senate in the passage of the following entitled bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:



SB 148, establishing the penalty for collusive bidding on contracts for public works or purchase.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1 Collusive Bidding. Amend RSA 580 by inserting after section 30 the following new subdivision:

#### Collusive Bidding

580:31 Penalty. Any person or corporation who wilfully, knowingly, and with intent to defraud makes or enters into a contract, agreement, arrangement or combination to submit a fraudulent or collusive bid or to refrain from submitting a bona fide competitive bid to any department, board or agency of the State of New Hampshire or any political subdivision thereof on a contract for public works or purchase of equipment, supplies or other personalty, shall be fined not more than five thousand dollars or imprisoned for not more than two years.

On motion of Senator McMeekin, the reading of the amendment was dispensed with.

Senator McMeekin: "Mr. President, in the original bill, it said that anyone submitting a competitive bid for any state, town or city. The amendment changes it to any political subdivision. That is all the change that the amendment makes."

On motion of Senator McMeekin, the Senate voted to concur in adoption of the amendment.

The Message further stated that the House has voted to concur with the Senate in the passage of the following entitled bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 33, relating to fraternal benefit societies.

Amend said bill by striking out section 1 and inserting in place thereof the following:

1 Amount of Benefits. Amend RSA 418:5 by inserting after the word "accident" in the eighth line the words, and may provide for the payment of individual policies of hospital, medical or nursing benefits due to sickness or bodily infirmity

or accident, subject to all of the provisions of chapter 415 of the insurance laws of this state which in the judgment of the commissioner of insurance should be applicable to certificates providing for such benefits, and by inserting after the word "made" in the eleventh line the words, provided, however, that any such society having a solvency of at least one hundred and five per cent, as determined by a competent actuary approved by the insurance commissioner, may provide for the payment of benefits in a sum not exceeding ten thousand dollars, so that said section as amended shall read as follows: 418:5 Benefits. Any such society authorized to do business in this state shall provide for the payment of death benefits, in a sum not exceeding ten thousand dollars to any person, including double indemnity in case of accidental death, and may issue to its members term, life, and endowment certificates and combinations thereof, including double indemnity in case of accidental death, and may provide for the payment of benefits in case of temporary or permanent disability as the result of disease or accident and may provide for the payment of individual policies of hospital, medical or nursing benefits due to sickness or bodily infirmity or accident, subject to all of the provisions of chapter 415 of the insurance laws of this state which in the judgment of the commissioner of insurance should be applicable to certificates providing for such benefits; and may grant loans, withdrawal equities, and such nonforfeiture options as its laws may permit, provided such grants shall in no case exceed in value the portion of the reserve to the credit of the certificate on which the same are made; provided, however, that any such society having a solvency of at least one hundred and five per cent, as determined by a competent actuary approved by the insurance commissioner, may provide for the payment of benefits in a sum exceeding ten thousand dollars. Any such society may provide for monuments or tombstones to the memory of deceased members and may also provide for payment of funeral benefits in a sum not exceeding three hundred dollars to any person equitably entitled thereto by reason of having incurred expense by the burial of the member.

On motion of Senator Battles, the reading of the amendment was dispensed with.

Senator Dunlap explained: "Mr. President, the amendment put on by the House would permit the fraternalists to sell,

in addition to life insurance, health and accident insurance under the same conditions."

On motion of Senator Daniel, the Senate voted to concur in the adoption of the amendment.

The Message further stated that the House has voted to adopt the recommendations of the Committee of Conference on the following entitled bills:

HB 24, to restrict advertising on interstate highway systems.

HB 393, relative to assessments by insurance firms.

The Message further stated that the House has voted to concur with the Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

HB 189, relating to the salaries of the Rockingham County Commissioners.

HB 442, relative to the licensing of real estate brokers and salesmen.

HB 46, providing for classified and unclassified state employees.

The Message further stated that the House refuses to concur with the Senate in the passage of the following captioned joint resolution, sent down from the Senate:

SJR 10, creating the Nashua Airport Authority. (subject matter covered by HB 487, passed by the House)

### **Introduction, First & Second Reading of Senate Bill**

SB 157, to create the Littleton Parking District. (McMeekin) To Committee on Military & Veterans Affairs.

On motion of Senator McMeekin, the printing of the above entitled bill was dispensed with as he stated that the bill concerns only the town of Littleton. No necessity to print. It is a long bill and no appropriation required.

Senator McMeekin announced that the public hearing will be held at 1 P.M. next Tuesday.

**Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills and House Joint Resolution:

HB 47, amending the benefits payable upon retirement.

HB 210, relative to cooperative school districts.

HB 300, relative to the charter of the Plymouth Guaranty Savings Bank.

HJR 18, relative to the operating expenses of educational television station WENH-TV, Channel 11, Durham, N. H.

SB 43, relative to overpayment of income taxes.

SB 139, increasing the salary of the Belknap County attorney.

HB 412, relative to additional grants of school building aid.

Robert S. Monahan  
For the Committee

Senator Dunlap moved that the Senate adjourn.

The President declared that he had not recognized the Senator for any purpose and would declare a Recess.

(Recess)

The Senate reassembled.

**Report of Committee of Conference****HB 373**

(See House Journal of June 22nd)

On motion of Senator Lamontagne, the reading of the amendments proposed by the Committee of Conference was dispensed with.

Senator Humphreys explained the amendments in detail.

(Provides a cushion of \$516,000)

(Reduces the increases put on the House Bill by the Senate Finance Committee and on the floor of the Senate (which totaled \$330,000) takes off \$119,000)

(Nothing has been cut from the University of N. H.)

(The Senate yielded \$211,000 out of the \$300,000)

(Teachers Colleges — the House provided nothing. We passed \$100,000 and we decreased it to \$50,000.)

(Cut School building construction aid from \$100,000 to \$50,000)

(Discussion ensued)

Senator Holmes requested that Senator Dunnington read into the read what he had told her earlier relative to school aid.

Senator Dunnington: "In the past year, out of this particular fund was spent \$157,000. Over the past two years, \$250,000 had been taken out. It is a large fund. Absolutely necessary to do the job. There is an extra couple of hundred thousand dollars there."

Question now being on the adoption of report of the Committee of Conference on HB 373.

The President recognized Senator Battles: "Mr. President, I wish to speak in opposition to the Committee of Conference report. I think they have tried very hard and my remarks are not meant in any criticism to the Conference Committee. I think what they have done, or have been forced to do, is to adopt a report which in essence is nothing but a going about the bush to accomplish what they were trying to do. They have taken \$50,000 from the legislative appropriation. That accomplishes nothing, because when the legislature comes back in two years, they will reappropriate it if they need it. They have taken \$50,000 each year from a school construction bill which I have been given to understand is deficit spending of \$58,000. Next session, we will come in and pass a bill to put back just what we took out today. I think we are heading toward the imposition of a sales or income tax in the future. I think anyone who goes along and supports a budget of this sort is leaving himself wide open to coming back in two years and passing a major revenue raising bill. Either a sales or an income tax. It is for these reasons that I oppose the report of the Committee of Conference."

Senator Eaton inquired: "Are you speaking as an individual or as a spokesman for the Governor?"

Senator Battles replied: "I have discussed this with the Governor. But he has not seen the report and cannot take a position."

Senator Eaton: "You are saying that this is a subterfuge. The same as if the Governor had said a cushion of \$700,000. I am against it."

Senator Cleveland: "Strangely enough at this late hour, I rise in support of the remarks of Senator Battles. I rise in support of his remarks because perhaps we should not concur with the Committee of Conference at this late time. I think the remarks of the Senator from the 23rd District have merit. If we do not adopt the report of the Committee of Conference, we will have the opportunity one week end from now, or four or five days from now, to consider amending the prose of wisdom that have dropped into our midst."

Question being on adoption of the report of the Committee of Conference.

On this question, Senator Battles demanded a Roll Call.

The Clerk proceeded to call the Roll.

The following named Senators voted in the affirmative: Lamontagne, Drake, Phillips, Eaton, Holmes, Cheney, Caron, Daniel, Dunnington, Buckley and Humphreys.

The following named Senators voted in the negative: McMeekin, Sawyer, Monahan, Gardner, Cleveland, Dunlap, Buntten, Provost, Bergeron and Battles.

Eleven Senators having voted in the affirmative, and ten Senators having voted in the negative, the affirmative prevailed, and the report of the Committee of Conference was adopted.

Senator Eaton requested the privilege of changing his vote from Yes to No.

The President ruled that the above request had been received after the announcement of the status of the vote had been announced and therefore could not be granted.

Senator Caron moved that the Senate reconsider its vote whereby it voted to adopt the report of the Committee of Conference on HB 373.

On this motion, Senator Cleveland demanded a Roll Call.

Senator Caron withdrew her demand for a Roll Call.

Senator Drake: "Mr. President, having voted with the majority, I move that we reconsider our vote. Under personal privilege, I think this thing has gone just about far enough. I am going to move that we will reconsider this vote and then convene next Tuesday morning when we may consider this matter with clear heads and make some sense."

The President reminded the Senate that it will take three or four days to complete the budget bills. If the Committee of Conference is not accepted, and we hold this up until we convene next Tuesday, we will be in session after July 1st."

Senator Dunlap: "Mr. President, I think the motion to reconsider is in order and I also think if a member wishes to change his vote, we should allow that courtesy."

Senator Lamontagne presiding.

Senator Green: "Mr. President, I think there has been a lot of kidding going on. It has been joined in by quite a few members of the Senate. I think at the present time we should face facts. The Conferees have been at work for about 8 days, to bring in a Conference report. We all know that if we reject this Conference report, we will not have a budget bill. The Conferees have met and you are all aware of the day's action. If you adjourn until next Tuesday, our budget bills will not be engrossed before the new fiscal year. We think of Senators as being sane and sedate. I have been presiding here this evening and I have been able to look into the face of every member of the Senate. I think this is sane and our job. I would hate to think that the Senate would fall down in its duty to the citizens of the state of New Hampshire. In fact, some of the Senators that have voted against acceptance, have commended the conferees. I think that we ought to realize our job and stick with it. You cannot expect any change in the conference report. You are just waving a flag and saying that you do not accept it."

Senator Dunlap: "Mr. President, I think that the Senator from the 16th District has done an outstanding job presiding. I think that there has been no question but what we have deliberated wisely and deliberately and I think we have been urged from time to time to move more rapidly than perhaps the members of this body are prone to do. I am not suggesting that we will not accept the Conference report. I think



the Conference report, so far as I know, is very good but I think the whole essence in this picture is that there is a big rush to do something that the general court has been a long time deliberating. I think when a member wishes to change his vote, or have a reconsideration, I think it is part and parcel of the Chair's obligation to allow that. I do submit that we have waited in here tonight, going in and hearing very convincing arguments not only in the Joint Convention, but right in here. From not only the Majority leader, but from the Conferees. But to have a reconsideration vote thwarted by any member of this Senate might give rise to some suspicion that something should be urged along. All that we ask is a reconsideration whereby we passed by 11 to 10 previous vote."

Senator Caron moved that we do now adjourn, and demanded a Roll Call.

The Clerk proceeded to call the Roll.

The following named Senators voted in the affirmative: Drake, Monahan, Cleveland, Phillips, Dunlap, Eaton, Bunten, Caron, Daniel, Dunnington.

The following named Senators voted in the negative: Lamontagne, McMeekin, Sawyer, Gardner, Holmes, Cheney, Provost, Bergeron, Buckley and Battles.

Ten Senators having voted in the affirmative, and ten Senators having voted in the negative the motion failed.

Question being on motion of Senator Drake to reconsider the vote whereby the Senate voted to adopt the report of the Committee of Conference.

On this question, the Chair demanded a Roll Call.

The Clerk proceeded to call the Roll.

The following named Senators voted in the affirmative: Drake, McMeekin, Sawyer, Monahan, Gardner, Cleveland, Dunlap, Eaton, Holmes, Bunten, Provost, Daniel, Battles and Humphreys.

The following named Senators voted in the negative: Lamontagne, Phillips, Cheney, Caron, Bergeron, Dunnington and Buckley.

Fourteen Senators having voted in the affirmative, and seven Senators having voted in the negative, the affirmative prevailed, and the motion for reconsideration carried.

Question now is on the adoption of the report of the Committee of Conference.

### **House Message**

Mr. President:

The House of Representatives has voted to adopt the recommendations of the Committee of Conference to whom were referred the following entitled bills:

HB 373, making appropriations for the expenses of certain departments of the state for the year ending June 30, 1962.

HB 374, making appropriations for the expenses of certain departments of the state for the year ending June 30, 1963.

Senator Cleveland moved that the Senate do now adjourn from the morning session.

On this question, the President demanded a Roll Call.

The Clerk proceeded to call the Roll.

The following named Senators voted in the affirmative: Drake, McMeekin, Sawyer, Monahan, Gardner, Cleveland, Phillips, Dunlap, Eaton, Bunten, Cheney, Caron, Provost, Daniel, and Dunnington.

The following named Senators voted in the negative: Lamontagne, Holmes, Bergeron, Buckley, Battles and Humphreys.

Fifteen Senators having voted in the affirmative, and six Senators having voted in the negative, the affirmative prevailed, and the Senate adjourned from the morning session.

The President in the Chair.

### **Afternoon Session**

#### **Third Reading & Final Passage of Bills**

HB 206, relating to the construction of state armories.

HB 282, relative to the taxation of boats.

HB 229, for the acquisition of the Adams property in Durham for development of wildlife management areas.

HB 280, relative to a civil defense fire and rescue training center.

HB 295, relative to future water supplies for the city of Manchester.

The President: "I think the people of New Hampshire are entitled to know whether we want to stay on the job or not. I move that we reconvene Friday, June 23rd, at 11 o'clock."

Senator Holmes: "Mr. President, I would like to know if there is any way of knowing whether this session can be limited. I stayed tonight in order to complete this business and we have accomplished nothing. I don't want to come here and stay all night. We have been around here all day and then have been pushed around all night."

The President: "The only business is these two budget bills."

Senator Cleveland: "Mr. President, if we come up here tomorrow and the House is not in session, the only thing the Senate can do is say yes. But if there is anything about these bills that we do not like, it is too late."

Senator Humphreys: "I wish to register an objection. I object to any Senator speaking for me about any matters that I may wish to bring up at any regular session."

Senator Lamontagne spoke against the motion for session on Friday.

Senator Bergeron: "Mr. President, as far as I am concerned, I will be back next Tuesday."

On the motion of the President for session on Friday, he demanded a Roll Call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Holmes, Cheney, Caron, Dunnington, Battles and Humphreys.

The following named Senators voted in the negative: Lamontagne, Drake, McMeekin, Sawyer, Monahan, Gardner, Cleveland, Phillips, Dunlap, Eaton, Buntin, Provost, Daniel, Bergeron and Buckley.

Six Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the negative prevailed, and the motion was lost.

Senator Phillips moved that the Senate suspend the rules and consider HB 373.

On this motion, the Chair demanded a Roll Call.

The Clerk proceeded to call the Roll.

The following named Senators voted in the affirmative: Lamontagne, Phillips, Holmes, Cheney, Caron, Bergeron, Dunnington, Buckley, Battles.

The following named Senators voted in the negative: Drake, McMeekin, Sawyer, Monahan, Gardner, Cleveland, Dunlap, Eaton, Bunten, Provost, Daniel and Humphreys.

Senator Humphreys requested the privilege of changing his vote from No to Yes.

This request was granted by the Chair.

Ten Senators having voted in the affirmative, and eleven Senators having voted in the negative, the negative prevailed, and the motion did not carry.

Senator Bergeron moved that the Senate adjourn to meet Friday at 12:30 A.M.

On a *viva voce* vote, the negative prevailed, and the motion did not carry.

Senator Drake moved that the Senate do now adjourn to convene next Monday morning at 11 o'clock.

Senator Lamontagne spoke in favor.

Senator Eaton spoke against the motion.

Senator Battles demanded a Roll Call.

The Clerk proceeded to call the Roll.

The following named Senators voted in the affirmative: Lamontagne, Drake, Sawyer, Monahan, Gardner, Dunlap, Holmes, Bunten, Cheney, Caron, Dunnington, Buckley, Battles and Humphreys.

The following named Senators voted in the negative: McMeekin, Cleveland, Phillips, Eaton, Provost, Daniel and Bergeron.

Fourteen Senators having voted in the affirmative, and seven Senators having voted in the negative, the affirmative prevailed, and the motion to convene next Monday morning, June 26th, at 11 o'clock carried.

On motion of Senator Caron, the Senate adjourned at 12:30 A.M. in honor of the 49th Wedding Anniversary of Senator and Mrs. Louis W. Paquette, Nashua, and in honor of Senator Holmes whose birthday had been June 22nd.

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MONDAY, JUNE 26, 1961

The Senate met according to adjournment.

Senator Battles presiding as acting President of the Senate.

### Prayer

Prayer was offered by the Chaplain, Reverend George Pennington, as follows:

O God, we ask the blessing of Thy guidance for all who pause here in prayer. Ours is a prayer of faith and conviction for we are steadfast in our belief that Thou hast endowed us with spiritual and intellectual abilities which we scarcely ever use to the fullest. So it is that in prayer we acknowledge our need constantly to remind ourselves that as Thou are our Creator, we, Thy children, lack for nothing in our endeavors for good if we but remember the source of strength from which we have come.

### Pledge of Allegiance to the Flag

Senator Drake led the Senate in the Pledge of Allegiance to the Flag.

### Leave of Absence

Senator Eaton was granted leave of absence for the day on account of important business.

### Guests

As guests of Senator McMeekin: Dr. George A. Clark, Arthur F. Scheoff, George A. Marshall, Frank Clark, Jr., Charles K. Besaw, L. Robert Goudie, Robert Puglisi, L. D. Rankin, Martha Dunedey, Kenneth H. McKown, Gene Marshall, Marion Callender, Erline M. Jesseman, Alice B. Parker, Agnes H. Andross, Jane D. Stevens, Ruth Marshall, George Baummer and Wallace S. Clough, all of Lisbon.

As the guest of Senator Caron, Mr. George Guertin, state representative of the Knights of Columbus.

### Unfinished Business

The President recognized Senator Monahan: "Mr. President, I am pleased to inform the Senate that the Committee of Conference charged with responsibility for acting upon the outdoor advertising bill has reached prompt and complete agreement.

"The House on Thursday last accepted the report of its conferees and only our pending action remains as the final hurdle. In the cold light of post-adjournment House Bill 24, as amended by both the House and Senate, may prove to be one of the most constructive acts of the current session.

"Also, Thursday last, the Vermont House suspended its rules so as to take final action in that state on its Senate-approved bill. As I have previously mentioned on the floor, the State of Maine enacted a somewhat similar measure midway through its 1961 session. I regret that Massachusetts saw fit to pass the buck to an interim study committee.

"The amended New Hampshire bill represents much give-and-take among groups adversely affected and by other interests intent upon controlling advertising along our interstate routes. Senators Drake, Daniel and Battles have spent much time and energy in working with me to assure successful passage of this bill.

"It now appears that the Congress will extend the incentive bonus for those states enacting controls that will conform with Federal requirements. We feel that this bill will not only furnish a desirable degree of control over outdoor advertising, but will also qualify the state for a Federal payment approaching a half-million dollars.

"I hope the Senate will accept the report of its Conference Committee on this important subject."

### Report of Committee of Conference

The Committee of Conference to whom was referred House Bill No. 24, An act to restrict outdoor advertising on the interstate highway system, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency in the amendments sent down by the senate of paragraph II of RSA 249-A:2, paragraph IV of RSA-A:3 and RSA 249-A:11, as inserted by section 1 of the bill, and concur with the senate; in the adoption of said amendments;

That the House recede from its position of nonconcurrency in the amendments sent down by the senate to paragraph I of RSA 249-A:3, as inserted by section 1 of the bill, and its amendment of section 2 of the bill; that the senate recede from its position in the adoption of its said amendments, and that the house and senate concur in the adoption of the following amendments:

Amend paragraph I of RSA 249-A:3 as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

I. Advertising devices in areas adjacent to segments of the interstate system which traverse areas legally zoned on September 21, 1959 as industrial or commercial, or in areas where, on September 21, 1959, outdoor advertising was subject to municipal regulation or control.

Further amend said bill by striking out section 2 and inserting in place thereof the following:

2 Takes Effect. This act shall take effect thirty days after passage.

Senator Monahan of Hanover  
Senator Daniel of Manchester  
Conferees on the Part of the Senate

Mr. Newell of Concord  
Mr. Stevenson of Bethlehem  
Mr. Congdon of Troy  
Conferees on the Part of the House



Senator Daniel: "Mr. President, as a member of the Committee of Conference from the Senate, I concur wholeheartedly with the remarks of Senator Monahan. I move that we adopt the Committee of Conference report."

On a *viva voce* vote, the Senate voted to adopt the report of the Committee of Conference on the above entitled bill.

Senator Humphreys: "Mr. President, I move that the Committee of Conference report on HB 373, making appropriations for the expenses of certain departments of the state for the year ending June 30, 1962, be accepted."

Senator McMeekin: "Mr. President, I would like to have read again just exactly what that report does. Not the whole lengthy report, but just what cuts were made and where."

Senator Humphreys: "\$50,000 from the legislative in the first year. School building aid, \$50,000 each year."

Senator McMeekin: "Mr. President, I don't know if it would be worthwhile to offer a motion unless it has some support. I would like to throw out for discussion — that the Committee of Conference of the Senate meet again with the House Conferees in connection with this matter of reduction in building aid to schools, and put a foot note in stating if the revenue exceeds the estimates, then the cut will be restored. I would ask if any of the other Senators think that would be well to do."

Senator Humphreys: "To make any amendment to the Committee of Conference report at this stage would mean that it would be in disagreement with the Conference report accepted by the House. The House has already accepted and voted not to reconsider the vote of accepting the report of the Committee of Conference. To do anything of this sort would require a new Committee of Conference."

Senator McMeekin: "I think he is right. If the House has done that, then I will withdraw."

Senator Caron: "That is correct. The House has voted that, and has also refused to reconsider that vote."

Senator Dunnington: "Mr. President, I would like to answer Senator McMeekin. I do not believe that an amendment in this case would be necessary. This figure is, of course, an estimate figure. In previous years, sometimes we have come

out below and sometimes above. I think it has been the feeling of the House and the Senate that this is an ethical obligation. So if they fall below, we might have to hand to each town 95%, but then in the next Legislature, if that should happen, we would give back that 5%. We have done that before, I believe. We are obligated to pay that to the towns."

Senator McMeekin inquired: "The amount in the Committee of Conference report will implement the formula fully?"

Senator Dunnington replied in the affirmative.

Senator Holmes: "Mr. President, that was what I was trying to bring out last Thursday evening. I am very interested in this. I really believe that Senator Dunnington is a person that deserves our confidence. That is why I voted to accept this Thursday night. I will support it."

Senator Dunnington: "I am rather concerned over the number of errors that have been found in the Conference report. Mostly typing errors, etc. I am not sure how we go about correcting those errors. . . . I do not wish to pass on a bill until I am assured that these corrections will be made."

Senator Monahan: "Mr. President, as Chairman of the Engrossed Bills Committee, I can assure you that we will be very diligent in our duties to see to it that everything is done correctly."

The President: "The Committee on Engrossed Bills is charged with the duty of checking clerical errors under their inspection. I have consulted with Miss Alexander on this. If the intent is there, it will be done under Joint Rule No. 6."

Senator Daniel: "Mr. President, I feel sure that the Senator from the 5th District, the Chairman of the Committee on Engrossed Bills, will take care of this situation."

Senator Humphreys: "I think the Conference Committee of the House and Senate are well aware of what we were trying to do. Would it be possible for the Senate by vote to give their authorization to express their intent and to make corrections with which the House Conference Committee would agree?"

The President: "I have been informed by the Senate Counsel that the Conference Committee has the right to advise the Engrossed Bills Committee of what their intent was and no motion is necessary."

Senator Lamontagne inquired of the Senate Counsel: "Is it not true that if there are errors, another bill could be introduced under suspension of the rules."

Senator Humphreys: "Any changes made under Joint Rule No. 6 by the Engrossed Bills Committee has to come before the Senate for concurrence."

Question being on the adoption of the report of the Committee of Conference on HB 373.

On a *viva voce* vote, the report of the Committee of Conference was adopted.

On motion of Senator Humphreys, the report of the Committee of Conference on HB 374, making appropriations for the expenses of certain departments of the state for the year ending June 30, 1963, was adopted.

On motion of Senator Humphreys, the Senate refused to reconsider its vote whereby it had voted to adopt the Committee of Conference reports on HB 373 and HB 374.

Senator Caron: "Mr. President, in accordance with the wishes of many of the Senators that are sitting here, I would like to ask if the Senate would add to the Committee of Conference the Chairman of the Senate Finance Committee. This morning, he was the person who located many errors in typing and in the figures. I would like to ask that his name be added."

The President: "I am sure the Engrossed Bills Committee and the members of the Committee of Conference will be glad to consult with Senator Cheney."

### Committee Reports

Senator Cheney, for the Committee on Finance:

HB 22, relative to the state board of fire control. Ought to pass.

Senator Cheney: "Mr. President, actually this bill strikes out the existing statutory provision that the Fire Marshal may employ one (1) Deputy Fire Marshal and authorizes him to employ two (2). The point of the Bill actually is in the title of the classification — in practically all states, investigators as they

are known in New Hampshire, are titled deputy fire marshals. This Bill does not mean that any new personnel will be added to the department, it merely authorized the title of one existing position to be changed from "investigator" to deputy fire marshal, and authorizes this within available appropriations and funds.

"The Finance Committee recommends the passage of this Bill."

On a *viva voce* vote, the bill was ordered to a third reading.

Senator Sawyer, for the Committee on Public Health, Welfare & State Institutions:

HB 396, to incorporate New Hampshire Dental Service Corporation. Ought to pass.

Senator Sawyer: "Mr. President, this is a bill requested by the New Hampshire Dental Association. It is to form a corporation consisting of all the dentists in the state who desire to belong to this corporation for the purpose of making agreements between corporations, associations, unions, etc. which may provide dental care for their employees, members and their dependents. The bill has been a long time in the Committee in the House. It was amended in the House to remove section 3 on page 3. That section put the matter into the hands of the Insurance Commissioner who made a study and decided that it was not necessary to be under his department. Therefore, this section was removed by the House. At the hearing that the Senate Committee held, there was present the President of the New Hampshire Dental Association, Dr. Williams, and their Counsel, Mr. Soden, who had drawn up the bill. It is a simple act — to create this corporation."

On a *viva voce* vote, the bill was ordered to a third reading.

Senator Dunlap, for the Committee on Banks & Insurance:

HB 249, relative to financing of insurance agents. Inexpedient to legislate.

Senator Dunlap: "Mr. President, this bill in its original version would have provided that no insurance company shall directly or indirectly charge or collect any interest owed by the agent of any company. It was amended in the House to

provide greater than 5% for the financing of an agent. The hearing developed no urgent need for this legislation. People appearing against it felt that it was discriminatory legislation. The proponents submitted that only one company was making excessive charges for the financing of agents. The Committee voted that the bill be recommended as inexpedient to legislate."

On a *viva voce* vote, the recommendation of the Committee was adopted.

### Engrossed Bills

Senator Monahan, for the Committee on Engrossed Bills:

HB 420, relative to unemployment compensation. Report under Joint Rule No. 6 with the following amendments:

Amend section 1 of said bill by inserting after 1959, 28:1 in the second line the following, and 1961, 88:7

Amend section 3 of said bill by striking out the figure "2" where it occurs in said section and inserting in place the figure, 1.

On motion of Senator Monahan, the Senate voted to adopt the amendment offered by the Committee on Engrossed Bills:

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon to be in order at the present time and when the Senate adjourns today, it be to adjourn in honor of Senator Humphreys who observed his 39th birthday sometime last week.

### Afternoon Session

#### Third Reading and Final Passage of Bills

HB 22, relative to the state board of fire control.

HB 396, to incorporate New Hampshire Dental Service Corporation.

### Notices

Senator Monahan expressed his thanks to Senator Cleveland for his kind remarks published in last Thursday's Journal.

Senator Cleveland announced that the Special Committee, consisting of Senators Gardner, Phillips, Holmes, Caron and

Cleveland would hold a hearing in Room 307 on Wednesday morning at 10 o'clock on HB 465, establishing marriage counseling service.

Senator Holmes announced that there would be a hearing on the so-called Sugar Hill-Lisbon bill, HB 463, at 2:30 P.M. in room 100, tomorrow.

On motion of Senator Paquette, the Senate adjourned at 11:53 A.M. in honor of the recent 39th birthday of Senator Humphreys.

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TUESDAY, JUNE 27, 1961

The Senate met according to adjournment.

Senator Battles presiding as acting President of the Senate.

#### Guests

As the guests of Senator Caron, in the balcony, Messrs. Roger Carrier, Alfred Cote, Matthew Adamarck and Herb Wenzel, all of Manchester.

As the guests of Senator Holmes, Mrs. E. W. Eckhardt and her two daughters, Deborah and Gretchen, and son William, all of Wilton.

As the guests of Senator Holmes, Sgt. Mina Yeager, Women's Army Corps, and Sgt. Alberta Zinck, Women in the Air Force.

As the guest of Senator Gardner, Mrs. Marguerite Stothart, the wife of Representative Frederic Stothart of Laconia.

As the guest of Senator Bunten, Mrs. John W. McKay, the wife of Representative McKay of Dunbarton.

As the guests of Senator Dunlap, his wife, Mrs. Dunlap, son Bill, daughter Ann, and Tom Pratt.

#### Introduction, First & Second Reading of Senate Joint Resolution

SJR 14, in favor of Robert McPhee. (Buckley)

On motion of Senator Buckley, the rules of the Senate were so far suspended as to dispense with printing and referral to Committee of the above Joint Resolution.

Senator Buckley: "Mr. President, this Robert McPhee of Salem had just been appointed a boat inspector by the PUC. On his first night out, he found a boat out there with several violations. After he had told them that he was going to give them a summons, as he left the scene, they swung the boat around and ran into him. Then he was in court as being the cause of the accident. This is for the amount of \$200 and would be a charge against the PUC. The PUC agree that this is a just charge against the PUC, but they have no funds to take this amount from. Therefore, this joint resolution is being introduced."

On further motion of the same Senator, the rules of the Senate were further suspended to place the Joint Resolution on its third reading and final passage at the present time.

### **Third Reading and Final Passage of Joint Resolution**

SJR 14, in favor of Robert McPhee.

### **Guests**

As the guests of Senator Eaton: Troop 18, Boy Scouts, Keene, N. H.: Richard Rieth, Doug Watson, Jim Frechette, Bob DeBold, Tom Duchesneau, William Geller, Eric Davis, Tom Morton, Paul Tolman, Mike Peavey. Henry Frechette, Jr., Cub Scout, Jocelyn Frechette, Girl Scout, Mrs. Henry M. Frechette, and Mrs. Arthur Duchesneau, of Keene.

### **Committee Reports**

Senator Eaton, for the Committee on Ways & Means:

HB 178, to prohibit discrimination in places of public accommodation. Ought to pass with amendments.

Amend section 1 of the bill by inserting at the end thereof the following words, or in the matter of rental or occupancy of a dwelling in a building containing more than one dwelling, so that said section as amended shall read as follows:

1 Places of Public Accommodation. Amend RSA 354:1 by striking out the words "issue or cause to be issued any cir-



cular, publication, advertisement or notice intended or calculated to" so that said section as amended shall read as follows:  
354:1 Discrimination. No person shall directly or indirectly discriminate against persons of any race, creed, color, ancestry or national origin, as such, in the matter of board, lodging or accommodation, privilege or convenience offered to the general public at places of public accommodation or in the matter of rental or occupancy of a dwelling in a building containing more than one dwelling.

Amend the bill by inserting after section 1 the following new section.

2 Amend RSA Chapter 354 by inserting after section 4 thereof the following new section:

354:5 Civil Actions. Conviction of violation of the prohibitions contained in section 1 above may not be used as evidence in a civil action for damages or as a basis for such a civil action in any manner whatsoever.

Further amend the bill by renumbering section 2 thereof to read 3.

Amend the bill by inserting after section 2 thereof the following new section,

3 Penalty. Amend RSA 354:4 by striking out in lines two and three thereof the words "or imprisoned not less than thirty nor more than ninety days." so that section as amended shall read as follows:

354:4 Penalty. Whoever violates any provisions of sections 1 or 3 shall be fined not less than ten nor more than one hundred dollars.

Further amend said bill by renumbering section 3 thereof to read 4.

On motion of Senator Eaton, the reading of the amendments were dispensed with and he explained them to the Senate.

Senator Buckley stated that he wished to be recorded as being in favor of this bill.

Senator Dunnington stated that he would like to rise in favor of the original bill. Stated that he was of the opinion that any move in this direction should be a gradual move. This

amendment involving housing is a drastic move and that he believes that it will kill the bill.

Senator Daniel spoke in support of the bill as amended by the committee, with the exception of the amendment having to do with housing.

Senator Caron stated that she wished to go on record as supporting the bill.

(Discussion ensued)

Senator Cleveland: "Mr. President, there seems to be some feeling here on the part of some members of the committee. I request that the vote on the amendments be divided."

The Chair stated that this would be done.

Question being on the adoption of the committee amendments as printed on Page 876 of the Journal of Monday, June 20th.

Question being on the adoption of the first committee amendment.

On this question, Senator Caron requested a Division vote.

Twelve Senators voted in the affirmative and eight Senators voted in the negative.

Senator Caron demanded a Roll Call.

The Clerk proceeded to call the Roll.

The following named Senators voted in the affirmative: Drake, McMeekin, Monahan, Gardner, Cleveland, Phillips, Dunlap, Eaton, English, Bunten, Bergeron and Humphreys.

The following named Senators voted in the negative: Lamontagne, Sawyer, Holmes, Paquette, Cheney, Caron, Provost, Daniel, Dunnington and Buckley.

Twelve Senators having voted in the affirmative, and ten Senators having voted in the negative, the affirmative prevailed, and the first amendment was adopted.

Question being on adoption of amendment two as offered by the committee.

On a *viva voce* vote, the affirmative prevailed, and the second amendment was adopted.

Question now being on adoption of amendment three as offered by the committee.

Senator Holmes: "Mr. President, I just wish to explain why I suggested this amendment. I feel that we have a big problem in this state as to the recreational industry. I think this will take some time to adjust. Vermont law has no jail sentence in it. It seems fair to amend this bill this way. I am voting for this bill for stronger and broader reasons and they are reasons of world tolerance which I think are extremely important in the world today."

Senator Lamontagne stated that he concurred with the remarks of Senator Holmes.

On a *viva voce* vote, the third amendment of the committee was adopted.

Question being: Shall the bill as amended be ordered to a third reading?

On this question, Senator Eaton demanded a Roll Call.

The Clerk proceeded to call the Roll.

The following named Senators voted in the affirmative: Lamontagne, Drake, Monahan, Gardner, Cleveland, Phillips, Dunlap, Eaton, English, Holmes, Paquette, Bunten, Cheney, Caron, Provost, Daniel, Bergeron, Dunnington, Buckley and Humphreys.

The following named Senators voted in the negative: McMeekin and Sawyer.

Twenty Senators having voted in the affirmative, and two Senators having voted in the negative, the affirmative prevailed, and the bill as amended was ordered to a third reading.

### Committee Report (continued)

Senator Dunlap, for the Committee on Banks & Insurance:

HB 43, relative to limitation on rate of interest on loans over \$300. Ought to pass with amendments.

Amend the title of the bill by striking out the words "and providing limitations on rate of interest and charges generally" so that the title as amended will read: An act regulating small loans.

Amend subparagraph I of 399-A:2 as inserted by section 1 of the bill by striking out the words "one thousand" where they appear therein and inserting in place thereof the words "fifteen hundred" so that said 399-A:2 as amended will read as follows:

399-A:2 Scope; Exemptions; Penalty. I. No person shall, without first obtaining a license from the commissioner as hereinafter provided, engage in the business of making loans in amounts of fifteen hundred dollars or less and contract for, exact or receive, directly or indirectly, in connection with any such loan any charges, whether for interest, compensation, brokerage, endorsement fees, consideration, expense or otherwise, which in the aggregate are greater than six per cent per annum.

Amend subparagraph II of 399-A:2 as inserted by section 1 of the bill by inserting before the period at the end of said subparagraph II the following:

, nor shall this chapter apply to any person engaged solely in the business of making loans for educational purposes or to the loans made by such persons.

so that said subparagraph II as amended will read as follows:

399-A:2 II. This chapter shall not apply to any person lawfully engaged in business as permitted by the laws of this state or of the United States relative to banks, trust companies, insurance companies, savings or building and loan associations, credit unions or pawnbrokers or to loans made by them, nor shall this chapter apply to any person engaged solely in the business of making loans for educational purposes or to the loans made by such persons.

Amend subparagraph I of 399-A:3 as inserted by section 1 of the bill by striking out said subparagraph I of 399-A:3 and inserting in place thereof the following:

399-A:3 Amount of Loan and Maximum Charges. I. A licensee may lend any sum of money, goods, or things of value not exceeding in amount or value fifteen hundred dollars, excluding charges, upon such security not forbidden by section 7 as may be agreed upon, under a contract which permits the

combined total of the principal and charges to be paid in substantially equal and consecutive monthly installments and may charge, contract for and receive charges not exceeding sixteen dollars per one hundred dollars per year on that part of the principal of the loan not exceeding eight hundred dollars and thirteen dollars per hundred dollars per year on that part of the principal of the loan exceeding eight hundred dollars but not exceeding fifteen hundred dollars and proportionately at those rates for a greater or lesser amount, within said limits, or over a longer or shorter term of loan. Such charges shall be computed when the loan is made on the principal of the loan for the full term of the loan contract and shall be added to the principal of the loan and the resulting sum shall be the face amount of the note. Every payment may be applied to the combined total of principal and charges until the contract is fully paid. If the contract is prepaid in full by cash, a new loan or otherwise before the final installment date the unearned portion of the charge shall be rebated. In computing any such rebate the charges applicable to a monthly period which has not fully elapsed shall not be deemed to be earned unless more than one-half of said period has elapsed on the date of prepayment in full. The portion of the charges applicable to any particular month of the contract shall be that proportion of the charges which the balance of the contract scheduled to be outstanding during such month bears to the sum of all monthly balances originally scheduled by the contract. Upon request, the lender shall deliver to the borrower a copy of the formula used in rebating charges.

Amend subparagraph I of 399-A:11 as inserted by section 1 of the bill by striking out said subparagraph I and inserting in place thereof the following:

399-A:11 Insurance. I. Credit life insurance and credit accident and health insurance may be issued in connection with a loan or other credit transaction authorized by this chapter in compliance with the provisions of RSA 408:15 (2) and RSA 408-A (Supp); provided, however, that if there is more than one borrower or obligor on any such loan or credit transaction, such insurance may be issued on only one borrower or obligor.

Amend 399-A:15 as inserted by section 1 of the bill by striking out the words "but not more than one thousand dollars" and by adding at the end thereof the following sentence:

Provided, however, that this exception shall not be applicable to any such person who has conducted such loan business during said period in conjunction with a small loan business licensed under chapter 399 RSA or at the same location as a small loan business licensed under chapter 399 RSA.

so that 399-A:15 as amended will read as follows:

399-A:15 — Exception. Any person primarily and continuously engaged in the business of making loans in the community to be served by the location for which application for license is made in amounts in excess of three hundred dollars from July 1, 1959 until the effective date of this chapter, and who has available for use or actually invested in loans which would have been subject to this chapter had they been made after the effective date of this chapter, or any combination thereof, an amount of capital not less than twenty-five thousand dollars, shall not be required to comply with requirement (b) of the preceding section in order to be entitled to be licensed if application for license is made within sixty days after the effective date of this chapter. Provided, however, that this exception shall not be applicable to any such person who has conducted such loan business during said period in conjunction with a small loan business licensed under chapter 399 RSA or at the same location as a small loan business licensed under chapter 399 RSA.

Amend 399-A:17 as inserted by section 1 of the bill by striking out the words "one thousand" where they appear therein and inserting in place thereof the words "fifteen hundred" so that 399-A:17 as amended will read as follows:

399-A:17 License; Posting and Change of Name. No person, partnership, or corporation shall make any loan of money, credit, goods, or things of value in the amount or to the value of fifteen hundred dollars or less whether secured or unsecured, and charge, contract for, or receive a greater rate of interest than six per cent per annum therefor without holding a license from the bank commissioner. Each such license shall terminate on the first day of April next following its issue. Each license shall remain in full force and effect until surrendered, revoked, suspended or terminated. Each such license shall state the name and address of the licensee and shall be posted in the licensee's place of business. No license shall be transferable or assignable. Before the corporate or trade name under which

the licensed business is conducted is changed the licensee shall give notice to the commissioner who shall amend the license accordingly without cost unless, in the opinion of the commissioner, the proposed change of name conflicts or might conflict with any existing registered name of any licensee.

Amend subparagraph I of 399-A:20 as inserted by section 1 of the bill by striking out the words "one thousand" where they appear therein and inserting in place thereof the words "fifteen hundred" so that said subparagraph I of 399-A:20 as amended will read as follows:

399-A:20 Examinations; Cease and Desist Orders; Injunctions. I. The commissioner or his duly authorized representative may at any time and shall periodically investigate the business and examine the books, accounts, papers and records of each licensee pertaining to the business of making loans of fifteen hundred dollars or less.

Amend subparagraph II of 399-A:20 as inserted by section 1 of the bill by striking out the words "one thousand" where they appear therein and inserting in place thereof the words "fifteen hundred" so that said subparagraph II of 399-A:20 as amended will read as follows:

399-A:20 II. The commissioner or his duly authorized representative may investigate at any time any person engaged in the business or participating in such business as principal, agent, broker, or otherwise; or any person who the commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether such person shall claim to be within the authority or beyond the scope of this chapter. Any person not exempt hereunder who shall advertise for, solicit or hold himself out as willing to make or procure loans in the amount of, or of the value of, fifteen hundred dollars or less shall be presumed to be engaged in the business described in paragraph I, section 2, of this chapter.

Amend 399-A:22 as inserted by section of the bill by striking out the words "one thousand" where they appear therein and inserting in place thereof the words "fifteen hundred" so that said 399-A:22 as amended will read as follows:

399-A:22 Deceptive Advertising. No licensee or other person, shall advertise, print, display, publish, distribute, or broadcast or cause or permit to be advertised, printed, displayed,



published, distributed, or broadcast, in any manner whatsoever any statement or representation with regard to the rates, terms, or conditions for the lending of money, credit, goods, or things in action in the amount of or of the value of fifteen hundred dollars or less, which is false, misleading or deceptive. The commissioner may order any licensee to desist from any conduct which he shall find to be a violation of the foregoing provisions.

Amend section 6 of the bill by striking out the words "one thousand" where they appear in said section and inserting in place thereof the words "fifteen hundred" so that said section 6 as amended will read as follows:

6 Loans of Fifteen Hundred Dollars and Less. Amend RSA 384:1 by striking out the words "three hundred" in the fifth line and inserting in place thereof the words "fifteen hundred", so that said section as amended shall read as follows: 384:1 Application of Title. The provisions of this title, so far as they properly may, shall apply to state banks, savings banks or institutions for savings, trust companies, banking companies and all similar corporations, building and loan associations, credit unions, Morris plan banks and the business of making loans in sums of fifteen hundred dollars or less, unless otherwise limited in their operation.

Amend sections 7, 8 and 9 of said bill by striking out said sections.

Amend section 10 of said bill by renumbering said section to be section 7.

On motion of Senator Dunlap, the reading of the amendments was dispensed with and the Senator explained: "Mr. President, first, would change the title of the bill and make it more appropriate to the subject. Second amendment by the committee, enlarges the provisions of small loans to cover up to \$1500. Third, would exclude from application of this bill loans made for educational purposes. There is a foundation that loans money to students and they have no reason to be included in this bill, but as originally drawn, they were swept in."

Senator Bergeron requested a five minute Recess, which was granted by the Chair.

(Recess)

The Senate reassembled.

Question being on adoption of the amendments offered by the Committee.

(Discussion ensued)

On a *viva voce* vote, the amendments were adopted and the bill as amended was ordered to a third reading.

On motion of Senator Cheney, the rules of the Senate were so far suspended as to permit the introduction of a Committee Report not previously advertised in the Journal.

Senator Cheney, for the Committee on Finance:

SB 143, extending the time when expenditures can be made from certain aeronautical appropriations. Ought to pass.

Senator Cheney: "Mr. President, this bill has been in practically every session since 1947. It simply provides that the funds may not lapse. There is no appropriation involved. It simply extends the time to 1963."

The bill was ordered to a third reading.

On motion of the same Senator, the rules were further suspended to permit the above bill being placed on its third reading and final passage at the present time.

### Third Reading and Final Passage of Bill

SB 143, extending the time when expenditures can be made from certain aeronautical appropriations.

On motion of Senator Provost, the rules of the Senate were so far suspended as to permit the introduction of a Committee Report not previously advertised in the Journal.

Senator Provost, for the Special Committee consisting of the Manchester Senators:

HB 107, relative to certain retired teachers in the city of Manchester. Ought to pass.

On a *viva voce* vote, the bill was ordered to a third reading.

On motion of Senator English, the rules of the Senate were so far suspended as to permit the introduction of a Committee Report not previously advertised in the Journal.

Senator English, for the Committee on Judiciary:

HB 188, amending the charter of the city of Somersworth. Ought to pass with amendments.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Somersworth. Amend Section 5 of Chap. 269 of the Laws of 1939, as amended by Chap. 380 of the Laws of 1947, and Chap. 375 of the Laws of 1949 by striking out said section 5 as amended and inserting in place thereof the following:

5 Mayor. The mayor shall be chosen at the municipal election for a term of two years and shall receive an annual salary fixed by the city council, provided, however, any change in an annual salary once fixed shall not be effective until the first Tuesday of January following the municipal election. He shall have a negative upon all the acts of the council at which his veto power would extend had the city government herein constituted provided for a board of aldermen, and such veto shall extend to individual items of appropriations. He shall preside at the meetings of the city council, but shall have no vote except in case of equal division; and no vote can be passed or appointment made by the council over his veto unless by a vote of two-thirds, at least, of all the councilmen elected. On the first Tuesday of January following their election, the members of the city council shall elect by ballot one member as acting mayor who, in the absence of the mayor, shall have all of the powers and perform all the duties of the mayor during such absence, or during disability of the mayor or a vacancy in the office from any cause.

2 Takes Effect. This act shall take effect as of January 2, 1962.

Senator English: "Mr. President, this is a unanimous committee report and in line with the current policy of granting home rule. The amendment as approved by the committee places the determination of the salary of the Mayor of Somersworth with the City Council. It also provides that the effective date is January 2, 1962."

Senator Bergeron spoke in support.

On motion of Senator Bergeron, the amendments were adopted, and the bill as amended was ordered to a third reading.

On motion of Senator English, the rules of the Senate were so far suspended as to place the bill on its third reading and final passage at the present time.

### Third Reading and Final Passage of Bill

HB 188, amending the charter of the city of Somersworth.

On motion of Senator Buckley, the rules of the Senate were so far suspended as to permit the introduction of a Committee Report not previously advertised in the Journal.

Senator Buckley, for the Committee on Executive Dept., Municipal & County Government:

HB 430, relative to use of municipal bond proceeds. Ought to pass with amendment:

Amend said bill by striking out section 2 thereof and inserting in place thereof the following:

Section 2 Amend chapter 420, section 5 of the Session Laws of 1959 by striking therefrom the word "September" as found in line three of said section 5 and inserting in place thereof the word, October, so that said section as amended shall read as follows:

420:5 Municipal Primary. A primary conducted by the regular election officers shall be held at the regular polling places in each ward in the city of Manchester on the second Tuesday of October, 1961, and biennially thereafter, for the nomination of all candidates to be voted for at the biennial municipal election held in November, except members of the school committee.

Section 3 This act shall take effect upon its passage and all Acts or parts of Acts inconsistent therewith are hereby repealed.

On motion of Senator Buckley, the reading of the amendment was dispensed with.

Senator Buckley: "Mr. President, this bill was heard in committee this morning. This amendment would give the towns or cities at their annual meeting, the privilege of using the balance of bond proceeds for capital improvements."

On a *viva voce* vote, the amendment was adopted and the bill as amended was ordered to a third reading.

On motion of Senator Buckley, the rules of the Senate were so far suspended as to place the bill as amended on its third reading and final passage at the present time.

### **Third Reading and Final Passage of Bill**

HB 430, relative to use of municipal bond proceeds.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills and House Joint Resolutions:

HB 58, establishing a division of records, Management and archives.

HB 189, relating to the salaries of the Rockingham County Commissioners.

HB 354, relating to the disinfection of public water supply systems.

HB 413, making it possible for trustees and custodians to invest in life insurance, endowment and annuity contracts.

HB 442, relative to the licensing of real estate brokers and salesmen.

SB 134, relating to La Caisse Populaire Ste. Marie, — or St. Mary's Bank.

HJR 3, providing funds for state nursing scholarship program.

HJR 44, in favor of the estate of R. Wilbur Potter.

HB 46, providing for salaries for classified and unclassified state employees.

HB 280, relative to a civil defense fire and rescue training center.

HB 363, relative to education for intellectually retarded children.

SB 147, pertaining to Dillant-Hopkins Airport.

HB 159, to rehabilitate the Sunapee State Park sinking fund.

HB 256, relative to technical institutes and vocational technical schools.

HB 447, relative to use of funds by credit unions.

HB 487, creating the Nashua Airport Authority.

HB 229, for the acquisition of the Adams property in Durham for development of wildlife management area.

HB 295, relative to future water supplies for the city of Manchester.

SB 148, establishing the penalty for collusive bidding on contracts for public works or purchase.

SB 135, to repeal charters of certain corporations.

Robert S. Monahan  
For the Committee

### **Special Order of Business at 11:01**

Senator Humphreys called for the Special Order. Being consideration of House amendment to:

SB 57, establishing an interim committee to study the question of extending the powers of the Maine-New Hampshire Interstate Bridge Authority.

On motion of Senator Humphreys, the Senate refused to concur in the adoption of the House amendment to the above entitled bill and requested a Committee of Conference.

The President appointed as members of such Committee on the part of the Senate, Senators Humphreys and Dunnington.

### **Special Order of Business for 11:02**

Senator Cleveland called for the Special Order.

Being on motion of Senator Lamontagne that action on the following bill be indefinitely postponed:

HB 272, relative to the consumption of liquor and beverages.

Senator Cleveland: "Mr. President, I have now had some opportunity to look into this and I think the matter should

either be referred to a Committee or to the Legislative Council. I have received communications concerning this and I don't think the matter is something that lends itself to indefinite postponement. If Senator Lamontagne will withdraw his motion, I would move to refer to committee or legislative council."

Senator Bergeron spoke in support of the above.

Senator Lamontagne spoke against suggestion, but stated that if the majority of the Senate believe it should be referred to Committee, that he would withdraw his motion for indefinite postponement.

Senator Caron stated that she was in accord with the bill being referred to a committee for study for two years.

Senator Cleveland moved that the Senate commit the bill to the legislative council for study.

The Chair ruled that the above motion did not take precedence.

Senator Cleveland: "I will not question the ruling of the Chair, but hope that the Senate Counsel will reconsider his ruling. I believe that the motion to commit would have priority, but I abide by the ruling of the Chair and Counsel."

The President: "I am informed by the Counsel that a motion to commit to a committee of the Senate is in order, but other than that, no."

Senator Dunlap: "Mr. President, I will oppose the motion to indefinitely postpone today on the same basis that I did before because it is a jump trick. I hope the Senate will vote the motion down."

Senator Daniel stated that he would support the motion of Senator Cleveland to send this bill to the Legislative Council.

Senator Caron moved the previous question. Seconded by Senator Daniel.

On a *viva voce* vote, the affirmative prevailed.

Question being on motion of Senator Lamontagne to indefinitely postpone the bill.

On this motion, Senator Daniel demanded a Roll Call.



Senator Daniel withdrew his motion for a Roll Call.

Question being on motion of Senator Lamontagne that further consideration of the bill be indefinitely postponed.

On a *viva voce* vote, the negative prevailed, and the motion was lost.

Senator Cleveland moved that the bill be referred to the Legislative Council.

Senator Gardner: "Mr. President, as Chairman of the Committee on Liquor Laws, I think it is a wise move."

On this question, Senator Daniel demanded a Roll Call.

Senator Daniel withdrew his motion for a Roll Call.

On a *viva voce* vote, the motion of Senator Cleveland carried, and the bill was referred to the Legislative Council.

The President recognized Senator McMeekin: "Mr. President, we have a redistricting bill that must be considered and I am going to move that the Senate go in Recess. I will ask the sub committee to meet with me, probably in room 305 or 306, to consider the amendments offered by Senator Caron. Then I would propose that the sub committee report to the special committee of the whole Senate before we reconvene in session. I think this can be done during the Recess. Then we will go into the session of the Senate itself."

Senator Cleveland inquired of Senator McMeekin how long he expected this to take.

Senator McMeekin replied probably not more than 20 minutes half an hour.

On motion of Senator Lamontagne, the rules of the Senate were so far suspended as to place all bills ordered to a third reading on third reading and final passage at the present time.

### **Third Reading & Final Passage of Bills**

HB 43, regulating small loans.

HB 107, relative to certain retired teachers in the city of Manchester.

HB 178, to prohibit discrimination in places of public accommodation.

The President recognized Senator Eaton: "I would direct a question to the Chair as Chairman of the Committee on Resources, Recreation & Development. As the Chairman of this Committee, do you intend to report or bring out HB 89, relative to standards for classification of surface waters of the state?"

The Chair: "The Committee has not had an executive session on the above bill."

Senator Eaton: "Mr. President, I would move that the Committee be ordered to bring this bill to the Senate floor on a day certain, Friday, next. This is serving three days' notice."

Senator Cleveland inquired of the Chair: "As Chairman of the Committee, do you have any objections to being instructed to bring the bill out by Friday?"

The President: "No. If the Senate so votes."

Question being on motion of Senator Eaton.

On this question, the Chair requested a Division vote.

On this question, Senator Drake demanded a Roll Call.

The Clerk proceeded to call the Roll.

The following named Senators voted in the affirmative: Monahan, Cleveland, Phillips, Dunlap, Eaton, Bunten, Bergeron, Dunnington and Humphreys.

The following named Senators voted in the negative: Lamontagne, Drake, McMeekin, Sawyer, Gardner, English, Holmes, Paquette, Cheney, Caron, Provost, Daniel and Buckley.

Nine Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the negative prevailed, and the motion was lost.

The Chair declared a 30 minute Recess.

(Recess)

The Senate reassembled.

The President recognized Senator Monahan: "Mr. President, under personal privilege, Mr. President, I wish to express

my opinion that the Senate did the wrong thing just prior to our recess in rejecting the motion by the Senator from the Tenth District that the Committee on Resources, Recreation & Development be instructed to bring in its report on House Bill 89 by Friday next.

"This bill concerns standards for classification of surface waters of the state. It has direct application to the Pemigewasset River but also affects the entire state, directly and indirectly. The provisions of the bill are generally opposed by the Franconia Paper Corporation, the Town of Lincoln and the Town of Plymouth. It is supported by various downstream municipalities and industries, as well as the State Water Pollution Commission and the Federated Women's Club of New Hampshire.

"The measure was the subject of two lengthy, well-attended hearings. It is controversial and might have been defeated by the entire Senate after consideration of the committee report. But that is not my point. The issue is whether such bills should be permitted to die in committee.

"So far this session, as the Senator from the Tenth District has indicated, we have compiled a worthy record of tackling controversial measures in an orderly manner and resolving them one way or another on the floor of this Senate. Now we have allowed precipitate action to blemish that record.

"I shall not now discuss the merits and defects of HB 89. My only point is that those Senators who defeated the motion, in my opinion, exposed themselves to the obvious effect of heavy lobbying before hearing the evidence on both sides and, in so doing, reflected no credit upon the Senate. But I am more concerned with the reaction of the public who attended the hearings in good faith and had every reason to expect that this matter would be acted upon by the Senate in a more forthright manner.

"Mr. President, I serve notice that at some future date I intend to request reconsideration of the vote on the motion of the Senator from the Tenth District relative to a report from the Resources Committee on HB 89."

On motion of Senator Drake, the Senate adjourned from the morning session.

### Afternoon Session

On motion of Senator Paquette, the Senate adjourned at 3 P.M.

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WEDNESDAY, JUNE 28, 1961

The Senate met according to adjournment.

Senator Battles presiding as acting President of the Senate.

### Guests

As the guest of Senator Bunten, Mr. Clayton D. Sargent of Goffstown.

As the guests of Senator Dunlap, Master David Dunlap, Mrs. Paul Phillips and Master Dennis Phillips.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 227, relative to the construction of a physical education building at the University of New Hampshire.

HB 353, (in new draft) relative to the election of members of the Union School District in Concord.

The Message further stated that the House concurs with the Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House asks the concurrence of the Senate:

SB 107, relative to salaries of legislative attachés.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2 Compensation. Amend RSA 14:24 (supp) as amended by 1957, by striking out the same and inserting in place thereof the following: 14:24 House Attachés. The compensation of

the following attachés of the house of representatives shall be, sergeant-at-arms, \$15; custodian of mails and supplies for the house, \$12.50 a day; messengers, assistant messengers, telephone messengers, library messengers, doorkeepers, assistant wardens, pages and chaplain, \$9 a day; warden of the coatroom, \$10 a day; each for six days a week.

Amend section 4 of said bill by striking out the same and inserting in place thereof the following:

4 Compensation. Amend RSA 14:25 (supp) as amended by 1957, by striking out the same and inserting in place thereof the following: 14:25 Legislative Service Assistants. The compensation of the legislative service assistants of the house of representatives shall be as follows: For the chief assistant twelve dollars and fifty cents a day, provided that for every five regular sessions of service, an additional one dollar a day shall be added until a maximum of fifteen dollars and fifty cents a day; for other assistants ten dollars and fifty cents for the first session of service, and fifty cents a day additional for each succeeding session of service until a maximum of twelve dollars and fifty cents a day, provided, that for every five regular sessions of service an additional one dollar a day shall be added until a maximum of fourteen dollars and fifty cents a day; each for six days a week.

Further amend said bill by adding after section 5 the following new sections:

6 Compensation. Amend RSA 14:20 by striking out the same and inserting in place thereof the following: 14:20 House Clerk. The compensation of the clerk of the house shall be one hundred fifty dollars a week for each six-day week of any regular session, together with five hundred dollars when he files with the secretary of state a printed copy of his journal and seventy-five dollars for attendance according to law at the opening of each session. Said sums shall be in full for services performed at such regular session.

7 Compensation. Amend RSA 14:21 by striking out the same and inserting in place thereof the following: 14:21 Assistant Clerks. The compensation of the assistant clerk of the house shall be one hundred twenty dollars per week for each six-day week of any regular session.

8 Compensation. Amend RSA 14:27 (supp) as amended by 1957, 314:3, by striking out the same and inserting in place thereof the following: Mileage Clerk. The compensation of the mileage clerk of the house of representatives shall be as follows: eleven dollars a day for the first session of service and fifty cents a day additional for each succeeding session of service until a maximum of thirteen dollars a day, provided, that for every five regular sessions of service an additional one dollar a day shall be added until a maximum of fifteen dollars; each for six days a week.

Further amend said bill by renumbering section 6 to read section 9.

On motion of Senator McMeekin, the Senate voted to non concur in the adoption of the amendment sent up from the House and asks for a Committee of Conference.

Pursuant to the above, the President appointed as members of such Committee on the part of the Senate, Senators Cheney and Caron.

The Message further stated that the House has voted to concur with the Senate in its amendments to the following entitled bills:

HB 282, relative to the taxation of boats.

HB 206, relating to the construction of state armories.

The Message further stated that the House has voted to concur with the Senate in its passage of the following entitled bill, with amendments, in the passage of which amendments the House asks the concurrence of the Honorable Senate:

SB 140, relative to trespassing on uncultivated land.

Amend said bill by striking out section 1 and inserting in place thereof the following:

1 Trespass. Amend RSA 572 (supp) by inserting after section 15 the following new section: 572:15-a Penalty, Uncultivated Land. No owner of uncultivated land shall post more than fifty acres of said land, and no more than five hundred yards of said posted land shall be located along a public highway, and whoever without right enters upon such uncultivated land posted as provided in section 16 shall be guilty of

a misdemeanor, and if convicted shall be fined not more than fifty dollars.

Senator Holmes: "Mr. President, I move that the Senate concur. This is the last bill that I introduced in the Senate. I would have hoped that they had not amended it, but they did."

On a *viva voce* vote, the Senate voted to adopt the amendment sent from the house.

The message further stated that the House concurs with the Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House asks the concurrence of the Senate:

SB 119, relative to medical assistance for the aged.

Amend section 6 of the bill by striking out the section and inserting in place thereof the following: 6 Claims and Liens. Amend RSA 167 by inserting after section 16 the following new section: 167:16-a Limitations. Notwithstanding section 14 of this chapter, no lien for medical assistance for the aged may be imposed against the property of a recipient solely upon the basis of receipt of said aid prior to the death of such recipient except pursuant to a judgment of a court on account of benefits incorrectly paid, and (notwithstanding any provision of the law) there shall be no claim, adjustment or recovery for any medical assistance for the aged correctly paid on behalf of such an individual except from the estate of such an individual after his or her death and the death of the surviving spouse, if any.

On motion of Senator Gardner, the Senate refused to concur in the adoption of the amendment sent up from the House and requested a Committee of Conference.

Pursuant to the above, the President appointed as members of such Committee on the part of the Senate, Senators Gardner and Daniel.

The Message further stated that the House has voted to concur with the Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

HB 420, relative to unemployment compensation.



The Message further stated that the House concurs with the Senate in the passage of the following entitled bill, with amendments in the passage of which amendments the House asks the concurrence of the Senate:

SB 150, relative to the financing of the Lebanon Regional Airport and the contributions towards financing the same.

Amend section 1 of the bill by striking out the word "monthly" in the thirteenth line and inserting in place thereof the word, annually, so that said section as amended shall read as follows:

1 Repayment of Vermont Grant. A percentage of all the service fees remitted to the New Hampshire Aeronautics Commission, as required by RSA 422:43 and 44 (supp), relative to passengers emplaning at the Lebanon Regional Airport, shall be paid to the State of Vermont until it shall have been repaid the sum of \$16,500.00 which it granted to the Lebanon City Council for use at said airport. Said percentage shall be calculated and established by said commission by dividing the total of the final complete amount received by said council from said commission under the provisions of RSA Title XXXIX as amended, to be expended on Lebanon Federal Air Airport Project No. 9-27-006-6002 and \$16,500 into \$16,500.00. The state treasurer is hereby directed, authorized and empowered, upon certification of said commission, to make payments of said percentage annually to the State of Vermont until said sum of \$16,500.00 shall have been repaid in full.

On motion of Senator Lamontagne, the Senate voted to concur in the adoption of the amendments sent up from the House.

The Message further stated that the House voted to concur with the Senate in the passage of the following entitled bills and Joint Resolution, sent down from the Senate:

SB 77, relative to bonds for public works.

SB 24, reclassifying certain highways in Rollinsford.

SJR 11, in favor of Mrs. Hattie M. Drake.

SB 72, providing for the election of county commissioners for the county districts of Merrimack County.

SB 91, to amend the teachers retirement system.

The Message further stated that the House has voted to recall from the Senate the following entitled bill:

HB 439, relating to the conduct of sweepstakes and sale of tickets thereon.

On motion of Senator Lamontagne, the Senate voted to accede to the request of the House for the recall of the above entitled bill.

The Message further stated that the House has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following entitled Senate bill, in the adoption of which amendments the House asks the concurrence of the Senate:

SB 145, relative to teaching persons to drive.

Amend section 1 of said bill by inserting after the word "operator's" in the sixth line the word, license, and by inserting after the words "commercial operators'" in the tenth line the word, licenses.

Further amend said bill by numbering the effective clause as section 2.

On motion of Senator Monahan, the Senate voted to concur in the adoption of the amendments.

The House has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following Senate bills, in the adoption of which amendments the House asks the concurrence of the Senate:

SB 88, to grant tax exemption to National Veterans Associations.

Amend section 1 of said bill by striking out the first line and inserting in place thereof the following:

1 Tax Exemption. Amend RSA 72:23-a (supp) as inserted by 1957, 202:4 by striking out the word "and" in the fourth line

Amend section 2 of said bill by striking out the first line and inserting in place thereof the following:

2 Report Required. Amend RSA 72:23-c (supp) as inserted by 1957, 202:4 by striking out the word "and" in the fourth line

On motion of Senator Monahan, the Senate voted to concur in the adoption of the amendments.

The House concurs with the Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House asks the concurrence of the Senate:

SB 151, legalizing the annual meeting of the town of Newbury and legalizing the votes and proceedings of the annual school district meeting in the town of Danbury.

Amend the title of the bill by striking out the same and inserting in place thereof the following: An Act legalizing the annual meeting of the town of Newbury and legalizing the votes and proceedings of the annual school district meeting in the town of Danbury.

Further amend the bill by renumbering section 4 to read section 5.

On motion of Senator Cleveland, the Senate voted to concur in adopting the amendments.

The House has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bill, in the adoption of which amendments the House asks the concurrence of the Senate:

HB 411, relative to appointment of ballot inspectors.

Amend section 1 of said bill by striking out the first line and inserting in place thereof the following:

1 Ballot Inspectors. Amend RSA 59:30 (supp) as amended by 1959, 280:1 by striking out in lines

On motion of Senator Monahan, the Senate voted to concur in the adoption of the amendments.

### **Read and Referred**

To the Committee on Education:

HB 227, relative to the construction of a physical education building at the University of New Hampshire.

The following entitled bill was read a first and second time:

HB 353 (in new draft), relative to the election of members of the Union School District in Concord.

On motion of Senator Cheney, the rules of the Senate were so far suspended as to dispense with referral to Committee of the above entitled bill and the bill was placed on its third reading and final passage at the present time.

### **Third Reading & Final Passage of Bill**

HB 353, (in new draft) , relative to the election of members of the Union School District in Concord.

### **Introduction, First & Second Reading of Senate Bill**

SB 158, relative to the military staff of the Governor. (McMeekin) To the Committee on Military & Veterans Affairs.

On motion of Senator McMeekin, the rules of the Senate were so far suspended as to dispense with printing and referral to Committee of the entitled bill.

The bill was read by the Clerk.

On further motion of the same Senator, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### **Third Reading & Final Passage of Bill**

SB 158, relative to the military staff of the Governor.

### **Committee Reports**

Senator Dunlap, for the Committee on Banks & Insurance:

HB 403, authorizing the establishment of a branch bank in Goffstown. Recommend that it be referred to Interim Bank Committee, if established, or to the Legislative Council.

Senator Dunlap: "Mr. President, this bill had a hearing in Goffstown, a joint House and Senate hearing. I should report to you that the people who testified were equally split; one-half recorded in favor and one-half recorded in opposition. The Committee has worked long and hard to try to decide whether this bill should be reported with amendment or otherwise. The sponsor of the bill was most cooperative and was willing to submit amendments which, in the opinion of some members of the Committee, rendered it a better bill. The Majority of the Committee felt that the establishment of a branch bank

in towns might not be good. The testimony that was read into the record and that came to members of the Committee on a private basis from the industry at times was conflicting. I must say some gave one side of the picture and another a different version. The Committee recommendation to refer this matter to an advisory committee is with the understanding and deep conviction that in the very near future this type of legislation is going to be adopted. The State has grown to where this may be of service, but at this point, and at the late hour of the session, the Committee felt that they would not report the bill other than to refer it to an interim bank committee."

Senator Bunten: "Mr. President, I would like to report that I happen to be one member of the Committee who voted against the report. My reason is that this happens to be within my District. Goffstown has 38 small business operations, and also the town of Weare with 14 and some in New Boston. These people came to me and asked me to support this bill. I did not solicit these suggestions from them. That is one of the very good reasons that I must take the opposite side. I feel that it is a step in the right direction and that Goffstown needs it at the present time. There has been quite a lot of pressure put on — in Manchester and Concord in opposition, but they are not in my District. I am in sympathy with the feelings of the people in my District. I would move that the words, Ought to pass, be substituted for the report of the Committee."

On a *viva voce* vote, the negative prevailed.

Senator Bunten then demanded a Roll Call.

The Clerk proceeded to call the Roll.

The following named Senators voted in the affirmative: McMeekin, Paquette, Bunten, Caron, Buckley and Humphreys.

The following named Senators voted in the negative: Lamontagne, Drake, Sawyer, Monahan, Gardner, Cleveland, Dunlap, Eaton, Holmes, Cheney, Provost, Daniel, Bergeron, and Dunnington.

Six Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the negative prevailed, and the motion to substitute was lost.

Question now being on recommendation of the Committee.

On a *viva voce* vote, the affirmative prevailed, and the bill was referred to the Interim Bank Committee, if established, or to the Legislative Council.

Senator Buckley, for the Special Committee consisting of Senators Battles, Humphreys and Buckley:

SB 154, legalizing the proceedings of the annual school meeting of Kensington held March 11, 1961, and adjourned to May 20, 1961 and authorizing a bond issue accordingly. Ought to pass.

Senator Buckley: "Mr. President, this hearing was called in the town of Kensington. The meeting was adjourned to a later date in order that it might be easier for the people to attend the hearing. 950 people attended — a good representation for a town that size. When they had their meeting, there was an appropriation of \$65,000 involved. They voted it down. Then voted to hold their meeting at a future date. At the continued hearing, a motion was made that the action be reconsidered and that the sum of \$64,000 be put back in. A majority of those present were in favor. What the people were objecting to was the manner in which it was handled. They felt there should have been a vote to reconsider and then adopt."

The bill was ordered to a third reading.

On motion of Senator Buckley, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### **Third Reading & Final Passage of Bill**

SB 154, legalizing the proceedings of the annual school district meeting of Kensington held March 11, 1961, and adjourned to May 20, 1961, and authorizing a bond issue accordingly.

Senator Gardner, for the Committee on Liquor Laws:

HB 368, relative to sales of liquor and beverages by hotels. Ought to pass with amendment.

Amend the bill by striking out section 2 thereof and inserting in place thereof the following:

2 Cocktail Lounges. Amend RSA 178:4 by striking out in lines five, six, seven, eight and nine thereof the following, "No

license provided by this section shall be issued to any hotel in towns not accepting the provisions of RSA 179 unless such hotel is classified as a resort hotel by the commission, and sales of liquor and beverages in such hotels shall not be made to a resident of the town in which such hotel is located" so that said section as amended shall read as follows:

178:4 Special License. The commission may issue a special license to any first-class hotel, holding the license and permit provided under section 3 hereof, to serve liquor and beverages in any room of said hotel designated by the commission. Said room shall not have an immediate entrance upon any public way. The commission may grant, regulate, suspend, or revoke said special license without affecting any other license and permit which may be granted to said hotel. The fee for such special license shall be one hundred dollars a year.

Further amend said bill by striking out section 3 thereof and inserting in place thereof the following:

3 Takes Effect. This act shall take effect upon its passage.

On motion of Senator Gardner, the reading of the amendment was dispensed with.

Senator Gardner: "Mr. President, the amendment would make it possible for a resident in a town that was dry, to go into a first-class hotel and be served cocktails along with others not residents of the town."

The amendment offered by the Committee was adopted.

Senator Buckley presiding.

Senator Battles offered the following amendment and spoke in support thereof:

Amend the bill by inserting after section 2 thereof the following new section:

3 Town of Hampton. Notwithstanding the provisions of RSA 178:3 as previously amended and as amended by this act; in the town of Hampton, so long as it votes not to approve the provisions of RSA 179, a hotel in the town of Hampton holding a license under the provisions of RSA 178:3 shall not sell such liquor or wines to a resident of the town and so long as the town votes not to approve the sale of beverages, a hotel in the town holding a license issued under the provisions of RSA



178:3 shall be entitled to hold and shall hold a permit under RSA 181:4 which permit shall authorize the sale of beverages to bona fide guests in the dining room or in the room of guests provided that the sale of beverages shall not be made to a resident of the town of Hampton.

Further amend the bill by renumbering section 3 to read 4.

“Mr. President, the only thing that this amendment does — it does not change the law in any respect, except in the town of Hampton. That is in my District. It does not affect anyone else. I feel that if I have a town in my District who voted around 1900 to 900 to go dry, then they should be allowed to be dry. This allows the town of Hampton only to exercise the home rule which Senator from the 7th District has been advocating.”

Senator Eaton spoke in strong opposition to the amendment offered above.

Senator Bergeron spoke in opposition to the amendment. Also Senator Caron.

Sentor Cleveland stated his opposition. Also Senator Lamontagne, and Senator Daniel.

(Discussion ensued)

Senator Humphreys stated that there was no question but what the present law is ridiculous, and should be amended.

Senator Eaton moved the previous question. Seconded by Senator Caron.

On a *viva voce* vote, the affirmative prevailed.

Question being on adoption of amendment offered by Senator Battles, who asked for a Division vote.

Senator Gardner demanded a Roll Call.

The Clerk proceeded to call the Roll.

The following named Senators voted in the affirmative: Battles and Humphreys.

The following named Senators voted in the negative: Lamontagne, Drake, McMeekin, Sawyer, Monahan, Gardner, Cleveland, Dunlap, Eaton, Holmes, Paquette, Bunten, Cheney, Caron, Provost, Daniel, Bergeron and Dunnington.

Two Senators having voted in the affirmative, and eighteen Senators having voted in the negative, the negative prevailed, and the amendment was not adopted.

The bill as amended by the Committee amendment was ordered to a third reading.

On motion of Senator Gardner, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### **Third Reading & Final Passage of Bill**

HB 368, relative to sales of liquor and beverages by hotels.

On motion of Senator Bergeron, the Senate refused to reconsider its vote whereby it passed the above entitled bill.

### **Committee Reports (continued)**

Senator Monahan, for the Committee on Engrossed Bills:

HB 199, relating to the salaries of mayor and councilmen of the city of Franklin. Under Joint Rule No. 6 with the following amendment:

Amend section 2 of said bill by striking out the first line and inserting in place thereof the following:

2 Salary of Mayor. Amend section 12 of chapter 260 of the Laws of 1893 by striking out after the word "cause" in the ninth

Further amend said section 2 by striking out the sixth and seventh lines and inserting in place thereof the following:

established by the council, after notice and public hearing, not to exceed two thousand dollars, payable quarter-annually which shall be in full for all services of any

On motion of Senator Monahan, the Senate voted to concur in the amendment.

Senator Monahan, for the Committee on Engrossed Bills:

HB 393, relative to assessments by insurance firms. Under Joint Rule No. 6 with the following amendment:

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to insurance brokers fees.

On motion of Senator Monahan, the Senate voted to concur in the amendment.

Senator Monahan, for the Committee on Engrossed Bills:

SB 33, relating to fraternal benefit societies. Under Joint Rule No. 6 with the following amendment:

Amend section 1 of said bill by striking out the word "not" where it occurs in the eleventh line.

On motion of Senator Monahan, the Senate voted to concur in the amendment.

On motion of Senator Humphreys, the rules of the Senate were so far suspended as to permit the introduction of seven Committee Reports not previously advertised in the Journal.

### Committee Reports

Senator Humphreys spoke in explanation: "Mr. President, these bills are all on the same subject, but pertaining to different cities in the State. They are the bills that give the authority to these cities to purchase health and accident insurance for employees and their families. Public hearings were held on these bills and the disturbing thing is that there were so few people that appeared either for or against them, for being such important bills. HJR 34 was the resolution to have the state furnish such benefits to employees and that resolution tied these individual city bills in with it. It was the feeling of the majority of the Committee that these bills should be referred to the Legislative Council, but we would bring them to the floor of the Senate at the present time."

Senator Humphreys, for the Committee on Executive Dept., Municipal & County Government:

HB 242, relative to life, accident, medical, surgical and hospital insurance benefits for employees of city of Concord and their dependents. Recommend referral to the Legislative Council.

On a *viva voce* vote, the recommendation of the committee was adopted.

Senator Caron wished to be recorded as voting no on the motion.

Senator Humphreys, for the Committee on Executive Dept., Municipal & County Government:

HB 241, relative to life, accident, medical, surgical and hospital insurance benefits for employees of Claremont and their dependents. Recommend referral to the Legislative Council.

On motion of Senator Philips, the words, Ought to pass were substituted for the words, recommend referral to the Legislative Council.

On a *viva voce* vote, the bill was ordered to a third reading.

On motion of Senator Phillips, the rules were suspended and the bill was placed on a third reading and final passage at the present time.

### **Third Reading & Final Passage of Bill**

HB 241, relative to life, accident, medical, surgical and hospital insurance benefits for employees of Claremont and their dependents.

Senator Humphreys, for the Committee on Executive Dept., Municipal & County Government:

HB 244, relative to life, accident, medical, surgical and hospital insurance for employees of the city of Lebanon and their dependents. Recommend referral to the Legislative Council.

Senator Monahan spoke in support of the committee recommendation.

On a *viva voce* vote, the recommendation of the committee was adopted.

Senator Humphreys, for the Committee on Executive Dept., Municipal & County Government:

HB 239, relative to life, accident, medical, surgical and hospital insurance benefits for employees of city of Berlin and their dependents. Recommend referral to the Legislative council.

On motion of Senator Lamontagne, action on the above bill was indefinitely postponed.

Senator Humphreys, for the Committee on Executive Dept., Municipal & County Government:

HB 243, relative to life, accident, medical, surgical and hospital insurance benefits for employees of city of Portsmouth and their dependents.

Recommend referral to Legislative Council.

On a *viva voce* vote, the recommendation of the committee was adopted.

Senator Humphreys, for the Committee on Executive Dept., Municipal & County Government:

HB 240, relative to life, accident, medical, surgical and hospital insurance benefits for employees of city of Laconia and their dependents.

Recommend referral to Legislative Council.

Senator Gardner spoke in support of the committee recommendation.

On a *viva voce* vote, the recommendation of the committee was adopted.

Senator Humphreys, for the Committee on Executive Dept., Municipal & County Government:

HB 245, relative to life, accident, medical, surgical and hospital insurance benefits for employees of city of Manchester and Nashua and their dependents.

Recommend referral to Legislative Council.

On motion of Senator Holmes, further consideration of the above entitled bill was made a Special Order of Business for tomorrow morning at 11:01.

On motion of Senator Cleveland, the rules were so far suspended as to permit the introduction of a committee report not previously advertised in the Journal.

Senator Cleveland, for the Special Committee consisting of Senators Gardner, Phillips, Holmes and Caron.

HB 465, establishing marriage counseling service. Ought to pass with amendment.

The Special committee consisting of the Senators from the sixth, seventh, eight and twelfth districts having held a public hearing and having considered the HB 465, report the same as Ought to Pass with the following amendment:

Amend section 1 of said bill by adding after the word "representative" in line three of 167-B:1 the words, subject to be established by the Superior Court, so that said section as amended shall read as follows:

167-B:1 Service Established: Court Referrals. Whenever a libel for divorce or petition for legal separation has been filed with the Superior Court the presiding justice or his authorized representative, subject to rules to be established by the Superior Court, pending a hearing upon the merits, shall exercise his discretion to determine if the matter before the court shall be referred for marriage counseling to an approved Family Service Agency within the jurisdiction of the court. Any such referrals shall be binding upon the libelant or petitioner and upon any libelee or petitionee who enters an appearance or otherwise submits himself to the court's jurisdiction.

Senator Cleveland: "Mr. President, we had the hearing on this bill this morning and there was no opposition. We did make one amendment—a technical one. Simply that the service established by this bill will be administered under rules established by the superior court. The bill itself provides whereby after a libel for divorce has been filed, the matter can be referred to the marriage counsel service either publicly or privately. Actually, the Committee feels that this bill does not go far enough and the Committee feels that it should probably be a prerequisite to a filing for libel for divorce that has been of some concern with the marriage counsel service, and the Committee is going to suggest to the court that such legislation will be attempted in the next session. I would move that the rules be suspended to dispense with referral of the bill to the Finance Committee."

Senator Caron: "Mr. President. HB 465, will in part fill a long felt need in New Hampshire.

Our State unfortunately has too long delayed its responsibilities in matters pertaining to domestic relations.

The Superior Courts in New Hampshire are required to act on all cases above the Municipal Court level with the exception of matters of probate.

Therefore it becomes necessary for the court to schedule, *contested* and *uncontested* domestic cases at best they can be-tween, criminal cases and civil cases.

HB 465, will not solve this undesirable condition, however it will go a long way toward lessening the work load of our Superior Court Judges.

HB 465, is not a *cure-all* in solving the State's divorce situation. It will never-the-less, in many instances give the contesting parties opportunities to view their problems in their true light and thereby *forestall* broken homes.

Children, particularly below age 14 need both parents—this bill serves a most useful purpose and should have the wholehearted approval of the Senate.”

On a *viva voce* vote, the amendment offered by the Committee was adopted.

The President stated that he would refer the bill to the Finance Committee.

Senator Cleveland stated his motion above to suspend the rules to dispense with referral to the Finance Committee.

Senator Caron spoke in favor of the bill being referred to the Committee on Finance.

Senator Holmes: “Mr. President, I wish to be recorded as being very much in favor of this legislation. I have attended the White House Conference and worked on this problem with judges, police officers and people in that field. They felt that it was one of the most important fields and would accomplish a great deal to lower the problem of delinquency.”

Question being on motion of Senator Cleveland.

(discussion ensued)

On this motion, the Chair stated that he would request a Division vote.

Twelve Senators voted in the affirmative, and five Senators voted in the negative.



Senator Humphreys demanded a Roll Call.

The Chair stated that it would require a two-thirds vote to suspend the rules.

The Clerk proceeded to call the Roll.

### Roll Call

The following named Senators voted in the affirmative: Lamontagne, Drake, McMeekin, Sawyer, Monahan, Gardner, Cleveland, Phillips, Dunlap, Eaton, Holmes, Paquette and Daniel.

The following named Senators voted in the negative: Buntin, Cheney, Caron, Provost, Bergeron, Dunnington, Buckley and Humphreys.

Thirteen Senators having voted in the affirmative, and eight Senators having voted in the negative, the required two-thirds vote did not prevail, and the motion was lost.

The bill was referred to the Finance Committee.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House Bills:

HB 22, relative to the state board of fire control.

HB 24, to restrict outdoor advertising on the interstate highway system.

HB 396, to incorporate New Hampshire Dental Service Corporation.

Robert S. Monahan

For the Committee

The President recognized Senator Humphreys: "Mr. President, I move that the Senate Recess for 30 minutes to consider the redistricting bill and meet in executive session during the Recess."

On a *viva voce* vote, the motion was adopted.

The President declared the Senate in Recess for 30 minutes, to reconvene at 2 P.M.

(Recess)

The Senate reassembled.

The President: "It is the intent of the Chair to have a Recess for approximately one hour. I am given to understand by the Speaker of the House that he has quite a number of bills which he would like to send to the Senate, also a Committee of Conference report to be sent in here. If it is agreeable to the Senate, this will allow the Committee to function for one hour and at the end of one hour, we will come back in session."

The President recognized Senator Dunlap who inquired: "Mr. President, several responsible people from Berlin have asked me on what basis a bill having to do with Berlin has not come out of Committee."

Senator Cleveland: "Mr. President, as I understand it, a member of the Committee who happens to be the Mayor of Berlin has been holding up that bill. I understand that he has some amendments that he is preparing."

Senator Lamontagne: "I have some amendments and am planning to introduce them tomorrow morning. I cannot see why the sponsors of the bill and the union officials who have been told by me that they would be introduced tomorrow, should be so concerned."

The Chair declared a Recess until 4 P.M.

(Recess)

The Senate reassembled.

### House Message

Mr. President:

The House of Representatives has passed the following Joint Resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HJR 45, relative to temporary and seasonal employees.

The Message further stated that the House has voted to concur with the Senate in the passage of the following entitled bills:

SB 123, to impose an operating fee on aircraft.

SB 143, extending the time when expenditures can be made from certain aeronautical appropriations.

SB 158, relative to the military staff of the Governor.

### Read and Referred

To the Committee on Finance:

HJR 45, relative to temporary and seasonal employees.

On motion of Senator Cleveland, the rules were so far suspended as to permit the introduction of two Senate bills, that the printing and reference to Committee be dispensed with and that the two Senate bills be placed on third reading and final passage at the present time.

Senator Cleveland explained his motion above: "Mr. President, I would ask the Senate to go along with me as a matter of courtesy. What has happened is this — these two bills are exactly the same, word for word, as SB 37, permitting property tax exemptions of ski areas under certain conditions and

SB 38, to enable towns and cities to contribute to ski areas under certain conditions.

These two bills are in a committee of the House and I have been after the Chairman to bring them out, either for passage or burial. The Chairman of the House Committee now informs me that as much as he would like to take action on these two bills, but that he has lost them. These two bills that I am asking to be introduced are exactly the same as SB 37 and 38. I would very much appreciate the courtesy if the Senate would go along with this."

Senator Monahan spoke in support of the motion. Also Senators Lamontagne and Daniel.

On a *viva voce* vote, the affirmative prevailed, and the rules were suspended.

### Introduction, First and Second of Senate Bills

SB 159, to enable towns and cities to contribute to ski areas under certain conditions.

SB 160, permitting property tax exemptions of ski areas under certain conditions.

On motion of Senator Cleveland, the rules were further suspended and the above entitled bills were read a third time and passed at the present time.

Senator Cleveland expressed his thanks to the Senate for their courtesy in this matter.

Senator Eaton, under suspension of the rules, introduced a Committee Report not previously advertised in the Journal.

Senator Eaton, for the Committee on Ways & Means:

HB 429, relative to representative town meeting government. Ought to pass.

Senator McMeekin explained: "Mr. President, this bill provides for representatives in town meeting government. The town of Hudson wants the bill. The town is so large that it has become unwieldy. This bill provides for electing delegates to the town meeting. Instead of changing to city form of government."

On a *viva voce* vote, the bill was ordered to a third reading.

Senator Holmes, under suspension of the rules, introduced a Committee Report not previously advertised in the Journal.

Senator Holmes, for the Committee on Education:

HB 230, relating to liability for education of children in foster homes. Ought to pass.

Senator Holmes: "Mr. President, this bill as written and submitted to the House makes responsible for the tuition of foster children to the town in which they are placed. The present system makes the town of domicile responsible for their tuition. An amendment was made in the House relative to foundation aid. This has been a problem in this state and still is. I don't know that this solves the problem, but one of the problems has been to determine what the domicile was. The State Board of Education has had to do this."

(Discussion ensued)

On motion of Senator Cleveland, further consideration of this bill and the accompanying report was made a Special Order for tomorrow morning at 11:02.

### Concurrent Resolution

Senator Caron offered the following Concurrent Resolution, which was adopted:

*Whereas*, it appears that all necessary legislative work may be accomplished by Friday, June 30 next, Therefore be it

*Resolved*, by the Senate, the House of Representatives concurring, that the present session of the Legislature be

brought to final adjournment on Friday, June 30 next, at six o'clock in the afternoon, And Be It Further

*Resolved*, that on that date all reports, bills and joint resolutions, with the exception of those such as have been referred to the Legislative Council, Judicial Council, Interim Study Committees, and the next Legislature, be indefinitely postponed.

Senator Buckley under suspension of the rules, introduced two Committee reports not previously advertised in the Journal.

Senator Buckley, for the Committee on Transportation:

HB 395, relative to free registration number plates for emergency vehicles. Ought to pass with amendment.

Amend the bill by striking out section 3 thereof.

Further amend the bill by renumbering section 4 to read 3.

Senator Buckley explained the bill and the amendment.

Senator Cleveland spoke in opposition to the amendment.

Senator Eaton spoke in opposition to remarks of Senator Cleveland.

(Discussion ensued)

Senator Lamontagne moved the previous question. Seconded by Senator Eaton.

Question now being on adoption of the Committee amendment. On this question, Senator Cleveland demanded a Roll Call.

The Clerk proceeded to call the Roll.

The following named Senators voted in the affirmative: Drake, McMeekin, Sawyer, Monahan, Gardner, Eaton, Holmes, Paquette, Bunten, Cheney, Caron, Provost, Daniel, Dunnington and Buckley.

The following named Senators voted in the negative: Lamontagne, Cleveland, Phillips and Dunlap.

Fifteen Senators having voted in the affirmative, and four Senators having voted in the negative, the affirmative prevailed, and the amendment was adopted.

The bill as amended was ordered to a third reading.

Senator Buckley, for the Committee on Transportation:

HB 297, relative to school busses. Ought to pass with amendment.

Amend said bill by adding at the end thereof the following new section:

7 Provisions for other motor vehicles passing school bus. The driver of any school bus, as described in the foregoing section, shall wherever and whenever possible when receiving or discharging school children, stop his vehicle off the travelled section of the highway and will not turn on his flashing red lights until cars immediately behind his vehicle have had a reasonable opportunity to pass said school bus.

Further amend said bill by renumbering section 7 to read 8.

Senator Buckley explained the bill and the amendment.

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Lamontagne under suspension of the rules introduced a Committee Report not previously advertised in the Journal.

Senator Cleveland, for the Committee on Judiciary:

HB 75, providing a retirement system for employees of the city of Berlin. Ought to pass with amendment.

Amend sections 1 and 2 of said bill by striking out the same and inserting in place thereof the following:

1 City of Berlin. The city of Berlin is hereby empowered to create a retirement system for the employees, who are not under any other system of retirement except Social Security, of the department of public works of said city. Employees of said department of public works will be eligible to become members of and receive the benefits therefrom by complying with the requirements of said system and making such payment to the retirement funds as may be established.

2 Retirement System. The mayor and board of aldermen may create a public works department retirement system. All of the business of said system shall be transacted, all of its funds invested and all of its cash, securities and other property held in trust, for the purposes for which received in the name of said system. The mayor and board of aldermen, if such a system is

created, may elect a board of trustees, the number of and tenure of office to be determined by the mayor and aldermen which board of trustees shall have control of and the duty of administering the affairs of said retirement system.

Amend section 4 of said bill by striking out the same and inserting in place thereof the following:

4 Amount of Benefit. No retirement benefit hereunder shall be granted for a sum greater than one-half of the maximum annual salary which the public works employee received while in the service of the city and in the determination of the amount of retirement benefit the mayor and aldermen may fix the amount which said employee shall contribute to said system and said contribution may vary in accordance with the age of the employee at the time of his entrance to said system.

Amend section 5 of said bill by striking out the same and inserting in place thereof the following:

5 Interpretation. Said city in adopting a retirement system hereunder shall consider the same free from the discharge of any existing legal or contractual liability of said employees. Past services rendered by employees *may* be considered as a means of qualification for retirement benefits and also as a basis for amount of benefits.

On motion of Senator Lamontagne, the reading of the amendment was dispensed with.

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading.

### House Message

Mr. President:

The House of Representatives has voted to accede to the request of the Senate for a Committee of Conference on the following entitled bill;

SB 107, relative to salaries of legislative attaches. and the Speaker has appointed as members of said Committee on the part of the House: Messrs. Goode of Manchester, Karkavelas of Dover and King of Manchester.

The Message further stated that the House has voted to concur with the Senate in its amendments to the following entitled bills.



HB 188, amending the charter of the city of Somersworth.

HB 430, relative to use of municipal bond proceeds.

HB 368, relative to sales of liquor and beverages by hotels.

HB 178, to prohibit discrimination in places of public accommodation.

The Message further stated that the House has voted to concur with the Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

SB 33, relating to fraternal benefit societies.

HB 393, relative to insurance brokers fees.

HB 199, relating to the salaries of Mayor and Councilmen of the city of Franklin.

### Reconsideration

On motion of Senator Gardner, the Senate voted to reconsider its vote whereby it voted to non concur and asked for a Committee of Conference on the following entitled bill:

SB 119, relative to medical assistance for the aged.

Senator Gardner: "Mr. President, the amendment eliminates any difficulty of nonconformity issues. The federal laws forbid payments to recipients.

1st — Limitation, lines 81 — ending with 'and' on line 86.

2nd — by striking out the two words 'to or' on line 88 and inserting the words after the word 'and' in line 86, notwithstanding any provision of law.

This prevents recovery during lifetime of recipient. Recovery can still be made after death.

"If the appropriations \$250,000 each biennium the Federal Government's share will be \$345,000, or a total of \$595,000. If it were reduced to \$200,000 as was contemplated the Federal share would be \$276,000 or a total of \$476,000. This would be a loss to the state each year of \$119,000."

On motion of Senator Gardner, the Senate voted to concur in the adoption of the amendment sent up from the House of Representatives.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House Bill:

HB 373, making appropriations for the expenses of certain departments of the state for the year ending June 30, 1962.

HB 374, making appropriations for the expenses of certain departments of the state for the year ending June 30, 1963.

Robert S. Monahan  
For the Committee

The President recognized Senator Monahan: "Mr. President, this represents conclusion of the work of the Committee on Engrossed Bills, covering the operating budgets for the next two years. I wish the record to show my appreciation of the faithful service of the Senator from the 8th District on the Engrossed Bills Committee."

### **Announcement**

The President stated: "We have received word that the Governor of the State of New Hampshire has been nominated by the Republican Governors at the Governors' Conference in Hawaii to be Chairman of the Governors' Conference. We have to see if he will be elected."

On motion of Senator Caron, the Senate went into afternoon session.

### **Afternoon Session**

#### **Third Reading and Final Passage of Bills**

HB 75, providing a retirement system for employees of the city of Berlin.

HB 297, relative to school busses.

HB 429, relative to representative town meeting government.

HB 395, relative to free registration number plates for emergency vehicles.

On motion of Senator Humphreys, the Senate adjourned at 5:29 P.M.

THURSDAY, JUNE 29, 1961

The Senate met according to adjournment.

Senator Battles presiding, as acting President of the Senate.

### Guests

As the guest of Senator Dunlap, Attorney Stanley M. Brown of Bradford, former member of the Senate.

As the guest of Senator Monahan, Mr. Glenn W. Merrill, President, New Hampshire Bankers Association and Vice President of Dartmouth National Bank of Hanover.

As the guest of Senators Monahan and Drake, former Representative Elmer Annis of Millsfield.

### House Message

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 480, relating to the election of representatives to the General Court.

HB 419, relative to the salaries of registers and deputy registers of probate.

The Message further stated that the House refuses to concur with the Senate in the passage of the following entitled bills, sent down from the Senate:

SB 14, changing the classification of a highway in the town of Haverhill.

SB 41, empowering and authorizing the town of Derry to establish a department of public works.

The Message further stated that the House has voted to discharge the Committee of Conference to whom was referred the following entitled bill:

HB 63, providing one season for the taking of deer, and has appointed as members of a new Committee of Confer-

ence, Messrs. Converse of Pittsburg; Spalding of Plainfield; and Bushey of Northumberland.

The Message further stated that the House concurs with the Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House asks the concurrence of the Senate:

SB 51, relating to the licensing of auctioneers.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after Chapter 311 the following new chapter:

## Chapter 311-A

### Auctioneers

#### 311-A-1 Definitions as used in this chapter:

(a) Auctioneer means a person who engages in this state in the business of selling for another real, personal or mixed property by auction.

(b) Auctioneering means the business or act of selling for another real, personal or mixed property by auction.

(c) Resident means any person who has resided within the state six months next preceding the day of filing an application.

311-A-2 License Required. Except as herein provided, no person shall in this state engage himself in the business of auctioneer, hold himself out as an auctioneer, engage in auctioneering, or advertise that he will sell the real, personal or mixed property of another by auction, unless he holds a valid auctioneer's license from the secretary of state under this chapter. This is in no way intended to prevent a licensed auctioneer from employing qualified or apprentice auctioneers to assist him although they may not be licensed under this chapter.

311-A-3 Nonresidents. A nonresident of this state may be granted such license if he conforms to all the provisions of this chapter. Such nonresident shall also, before obtaining a license, file with the secretary of state in writing his irrevocable consent that suits and actions arising against him in this state

out of his acts as an auctioneer may be commenced upon him by service of process by the secretary of state.

**311-A-4 Application for License.** An application for license shall be in writing and shall be obtained from the secretary of state. It shall contain a showing as to the applicant's ability to judge the value of real, personal and mixed property and such other information as the secretary of state shall require to determine the qualifications of the applicant and compliance with this chapter. If the applicant is an individual, he shall verify the same; if a firm or corporation, it shall be verified by at least two members or officers. The application shall be accompanied by the required fee and affidavits of at least two disinterested persons who are reputable freeholders, in the area where the applicant resides, certifying that the applicant is trustworthy and competent to auction real, personal and mixed property in such a manner as to safeguard the interests of the public. Each such affidavit shall among other things set forth the name, age, address, and occupation of the affiant, the extent of his acquaintanceship with the applicant, his familiarity with past business experience and dealings of the applicant and such other knowledge of the applicant and his background upon which the affidavit is founded. Applications for renewal licenses need not be accompanied by such affidavits.

**311-A-5 Local Regulation.** This chapter shall not be deemed to nullify or prevent a municipal corporation from collecting an additional fee from auctioneers licensed under this chapter.

**311-A-6 Fees; Expiration of License.** For residents, the annual fee for a license shall be ten dollars. For nonresidents, the annual fee for a license shall be twenty-five dollars. A license shall expire on May 30th following its issuance.

**311-A-7 Denial; Suspension; Revocation.** A license may be suspended or revoked, maximum one year, or an application for a renewal license may be denied for unethical conduct which in the judgment of the secretary of state is reprehensible and against public welfare and protection. No license shall be denied, suspended, or revoked until after five days' notice in writing to the licensee or applicant stating the ground of the proposed action and a public hearing at which he shall have opportunity to be heard, present testimony in his behalf and be confronted by witnesses against him. The secretary of state,

in his discretion, may grant the accused a temporary permit to auction pending such hearing and determination. Determinations shall be made and the licensee or applicant notified thereof within five days after hearing. Any auctioneer notified of a suspension may request a rehearing within twenty days from the date of notification. After a rehearing and continued denial, suspension or revocation of license, or upon a refusal for rehearing said party shall be entitled to appeal his case to the superior court.

311-A-8 Penalties. Any person violating the provisions of this chapter shall be fined not less than twenty-five dollars nor more than one thousand dollars, or imprisoned not more than six months or both.

311-A-9 Limitations. This chapter shall not apply to sales conducted or made by sheriffs, deputy sheriffs, constables, collectors of taxes, executors, administrators, guardians, conservators, receivers, assignees under voluntary assignments for the benefit of creditors or insurers, or by any other person required by law to sell real, personal or mixed property.

311-A-10 Auctions by Charitable and Nonprofit Organizations Exempt. The provisions of this chapter shall not apply to sales at auctions held by charitable, educational, religious or other nonprofit organizations.

311-A-11 Disposition of Fees, Fines and Penalties. All moneys collected under this chapter shall be paid into the general funds and credited to the secretary of state for the purpose of carrying out the provisions of this chapter.

311-A-12 This act shall take effect as of June 1, 1962.

Amend 311-A:9 as inserted by section 1 of the bill by inserting after the words "This chapter shall not apply to" the following:

"foreclosure sales by mortgagees, lienholders or holders of any other kinds of security interests in real, personal or mixed property or to"

so that said 311-A:9 as amended will read as follows:

311-A:9 Limitations. This chapter shall not apply to foreclosure sales by mortgagees, lienholders or holders of any other kinds of security interests in real, personal or mixed property

or to sales conducted or made by sheriffs, deputy sheriffs, constables, collectors of taxes, executors, administrators, guardians, conservators, receivers, assignees under voluntary assignments for the benefit of creditors or insurers, or by any other person required by law to sell real, personal or mixed property.

On motion of Senator Buntin, the Senate voted to concur in the amendments sent up from the House.

### **Read and Referred**

To the Committee on Judiciary:

HB 480, relating to the election of representatives to the General Court.

To the Committee on Finance:

HB 419, relative to the salaries of registers and deputy registers of probate.

### **Committee Reports**

On motion of Senator Drake, under suspension of the rules, to introduce a Committee Report not previously advertised in the Journal.

Senator Drake, for the Committee on Resources, Recreation and Development:

HB 108, relative to the town of Hampton municipal development authority. Ought to pass with amendment.

Amend subsection (1) of section 21 of the bill by inserting in line three thereof after the word "may" the following, with the approval of the selectmen, so that said subsection as amended shall read as follows:

(1) For the purpose of providing funds to make payments certified by the treasurer under a contract or contracts for financial assistance, the town treasurer may with the approval of the selectmen, without further authority than that contained in this section and if and to the extent that funds have not otherwise been provided by the town and are available, in the name and behalf of the town borrow from time to time such sums as may be necessary, not exceeding in any year the maximum amount for which provision is made in said contract or contracts for financial assistance and may issue therefor temporary



notes of the town for not more than one year and may renew such notes provided the renewal notes shall mature in not more than one year from the date of the original note. Neither the indebtedness represented by such notes nor the obligation of the town under any contract for financial assistance shall be included in the term "net indebtedness" as defined in RSA 33:1 and such indebtedness or obligation shall not at any time be included in the debt of the town for the purpose of ascertaining its borrowing capacity. The town shall annually appropriate a sum sufficient to pay the amount certified to the treasurer under any contract for financial assistance and not otherwise paid and to pay temporary notes and interest thereon under this section, unless and to the extent that payment shall have otherwise been made or provided for.

Further amend subsection (m) of section 21 of the bill by striking out in line two thereof the words "a majority" and inserting in place thereof the following, two thirds. Further amend said subsection (m) by striking out in line three thereof the words "or special." Further amend said subsection (m) by striking out in lines four, five, six, seven, eight and nine thereof the words "without the necessity in the case of a special meeting, of any petition to the superior court for permission to hold such meeting, provided, however, that the warrant for such special meeting shall be published once in a newspaper having a general circulation in the community within one week after the posting thereof." so that said subsection as amended shall read as follows:

(m) Authorization by the town of a contract for financial assistance to the authority shall be by vote of two thirds of the voters present and voting on the question at an annual meeting of the town. The provisions of RSA 32 shall not apply to action taken at any town meeting with respect to such a contract for financial assistance.

Senator Drake: "Mr. President, this is a new bill that has been written to substitute for the old bill. The amendment that the Senate has written in would authorize that the bonding under this agreement shall be done under regular provisions as is done in other towns: a two-thirds vote of voters and to be done at a regular session of the town meeting. No special session of town meeting to be allowed. We believe that this is a major project and that every voter in the town should have an op-

portunity to attend this meeting. It came to us stating this could be done by majority vote and would not need to be by a two-thirds vote."

Senator Monahan: "Mr. President, as the other Senator on the Resources, Recreation & Development Committee, I wish to explain my concurrence in the amendment which he proposed. I do strongly object to the House sending in such a controversial bill as this bill is at this late date. I think Senator Drake has done a good job in putting his finger on the most important change."

Senator Dunlap spoke in support. Stated that this is only permissive legislation and will have to be adopted by the voters at a regular town meeting.

The amendment was adopted, and the bill ordered to a third reading. On further motion of the same Senator, under suspension of the rules, the bill as amended was read a third time and passed at the present time.

### **Third Reading and Final Passage of Bill**

HB 108, relative to the town of Hampton municipal development authority.

Under suspension of the rules, Senator Buckley introduced the following Committee Report not previously advertised in the Journal.

Senator Cheney, for the Joint Committee on Finance and Banks & Insurance:

HB 225, relative to state guarantee of mortgages on industrial buildings. Ought to pass.

Senator Buckley: "Mr. President, HB 225 is a bill to give the Governor and Council, on recommendation of the Industrial Park Authority, power to guarantee the upper half of first mortgages upon industrial real property. It is a measure designed to help our state to meet competition in attracting new industries.

"Approval of projects for the guaranty requests a detailed report to the Governor and Council and a determination by them that it will be of public use and benefit. The loans may be on industrial property on leased or owned land. The mortgage

may not exceed the appraised value of the realty and the guaranty is limited to the amount by which the mortgage indebtedness exceeds 50% of the appraised value as of the time the guaranty was made.

“Mortgages which by their terms do not require amortization or principal and interest within 20 years from execution are not eligible for the guaranty.

“This bill which represents an extension of the capacity of the state to underwrite equity financing in regard to industrial real property, has been held to be constitutional by the Supreme Court of New Hampshire in response to a request for an advisory opinion submitted to it by the House.

“Mr. President, I move that this bill be placed on third reading at the present time.”

On a *viva voce* vote, the bill was ordered to a third reading.

Under suspension of the rules, the bill was read a third time and passed at the present time.

### Third Reading & Final Passage of Bill

HB 225, relative to state guarantee of mortgages on industrial buildings.

Under suspension of the rules, Senator Buckley introduced the following Committee Report not previously advertised in the Journal.

Senator Cheney, for the Committee on Finance:

HB 465, establishing a marriage counselling service. Ought to pass.

Senator Buckley: “Mr. President, this provides for the appropriation of \$15,000 within the Department of Welfare. It was the feeling of the majority of the committee that this was the proper place for it. 88% of the ADC cases are a result of broken marriages.”

Senator Gardner: “Mr. President, I would like to tell you why the Dept. of Public Welfare could not absorb this \$15,000.00 in their regular public budget. The Welfare budget is the tightest in the history of the department. \$171,000.00 was deleted in medical care. The caseload has increased beyond our

estimate to the legislature. There are 88 cases more in ADC — than our estimate and 227 more cases in OAA. All caseloads are continuing to rise. The department of Public Welfare will not have to operate the Counsel for the Aging program.

“50% of ADC cases are the result of desertion, divorce or legal separation. The Welfare Department has already started a program of rehabilitating people. When there is a separation usually the fathers go out of state and the department has to deal with another state agency. This is expensive and also time consuming. However, 5% of ADC mothers and fathers have been reconciled.

“HB No. 465 will start a program of prevention. It is a pilot project. However, it only involves 4 counties in the state — Belknap, Merrimack, Hillsboro and Cheshire. However, Coos county has a terrifically high divorce rate. There should be work done in that area. The department is interested in keeping people off assistance. A program of this sort may be the answer to those ends.”

The bill was ordered to a third reading.

On motion of Senator Cleveland, under suspension of the rules, the bill was placed on its third reading and final passage at the present time.

### **Third Reading & Final Passage of Bill**

HB 465, establishing a marriage counselling service.

Senator Buckley, under suspension of the rules, introduced a Committee Report not previously advertised in the Journal.

Senator Cheney, for the Committee on Finance:

HJR 45, relative to temporary and seasonal employees. Ought to pass.

Senator Buckley: “Mr. President, this is to instruct the personnel department to pay increases to seasonal and temporary employees. This bill will establish them along with the permanent employees.”

Senator Cleveland offered the following amendment and spoke in support thereof:

Amend the joint resolution by inserting at the end thereof the following:

Notwithstanding the provisions of RSA 94:1 as previously amended and as amended by an act passed by the 1961 session of the General Court, providing for salary increases for unclassified state employees, the annual salaries for the following positions shall be as follows:

Title	Minimum	Maximum
Clerk of Supreme Court	\$10,290.20	\$11,653.20
Secretary, Tax Commission	10,634.00	12,220.00
Tax Commissioner (2)	8,993.14	10,241.14
Comm., Dept. of Empl. Sec.	10,249.20	11,653.20
Comm. Pub. Wks. & Hwys.	12,000.04	14,800.24
Deputy Comm. Pub. Wks. & Hwys.	10,866.18	12,424.36
Asst. Comm. Pub. Wks. & Hwys.	10,634.00	12,220.00

This joint resolution shall take effect on July 1, 1961.

"Mr. President, for the information of the Senate, the proposed amendment is one that was drafted by the Senate Counsel and what it does is to restore the wage increases that we had in HB 46 and HB 47 which was deleted in the Committee of Conference in the House. These increases are all well in line with the duties performed."

On a *viva voce* vote, the amendment was adopted, and the joint resolution as amended was ordered to a third reading.

On motion of Senator Buckley, under suspension of the rules, the above joint resolution as amended was placed on third reading and final passage at the present time.

### **Third Reading & Final Passage of Joint Resolution**

HJR 45, relative to temporary and seasonal employees.

### **Committee Reports**

Senator Humphreys, for the Special Committee of the Entire Senate:

HB 477, to redistrict the state into senatorial districts. Ought to pass with amendments.

Amend section 1 of said bill by striking out the paragraph numbered 62:14 and inserting in place thereof the following:

62:14 District 3. Senatorial district number three contains Monroe, Lyman, Lisbon, Bath, Franconia, Bethlehem,

Haverhill, Benton, Piermont, Easton, Lincoln, Woodstock, Waterville, Thornton, Campton, Holderness, Plymouth, Landaff, Ashland, Meredith, Livermore, Center Harbor.

Further amend section 1 of said bill by striking out the section numbered 62:16 and inserting in place thereof the following:

62:16 District 5. Senatorial district number 5 contains Orford, Lyme, Dorchester, Hanover, Canaan, Lebanon, Enfield, Groton, Orange, Grafton, Hebron, Alexandria, Bristol, New Hampton, Bridgewater, Ellsworth, Warren, Wentworth, and Rumney.

Further amend section 1 of said bill by striking out the paragraph numbered 62:18 and inserting in place thereof the following:

62:18 District 7. Senatorial district number seven contains Andover, Boscawen, Canterbury, Wards one and two of Concord, Danbury, Franklin, Hill, Newbury, New London, Northfield, Sanbornton, Sutton, Tilton, Wilmot.

Further amend section 1 of said bill by striking out the paragraph numbered 62:20 and inserting in place thereof the following:

62:20 District 9. Senatorial district number nine contains Antrim, Bennington, Bradford, wards three and seven of Concord, Deering, Frankestown, Greenfield, Henniker, Hillsborough, Hopkinton, Temple, New Boston, Salisbury, Warner, Weare, Webster, and Windsor.

Further amend section 1 of said bill by striking out the paragraph numbered 62:25 and inserting in place thereof the following:

62:25 District 14. Senatorial district number fourteen contains Allenstown, Bedford, Bow, Chichester, Dunbarton, Epsom, Goffstown, Hooksett, Pembroke, and Pittsfield.

Further amend section 1 of said bill by striking out the paragraph numbered 62:23 and inserting in place thereof the following:

62:23 District 12. Senatorial district number twelve contains Amherst, Brookline, Greenville, Hollis, Mason, Merri-

mack, Milford, Mont Vernon, wards one and two of Nashua, New Ipswich, Wilton, and Lyndeborough.

Further amend section 1 of said bill by striking out the paragraph numbered 62:24 and inserting in place thereof the following:

62:24 District 13. Senatorial district number thirteen contains Hudson, Litchfield, and wards three, four, five, six, seven, eight and nine of Nashua.

Further amend section 1 of said bill by striking out the paragraph numbered 62:30 and inserting in place thereof the following:

62:30 District 19. Senatorial district number nineteen contains Auburn, Candia, Chester, Derry, Hampstead, Londonderry, Pelham, Raymond, Salem, and Windham.

Further amend section 1 of said bill by striking out the paragraph numbered 62:33 and inserting in place thereof the following:

62:33 District 22. Senatorial district number twenty-two contains Atkinson, Brentwood, Danville, East Kingston, Epping, Exeter, Fremont, Kensington, Kingston, Newfields, Newmarket, Newton, Plaistow, Sandown, Seabrook, and South Hampton.

Further amend section 1 of said bill by striking out the paragraph numbered 62:34 and inserting in place thereof the following:

62:34 District 23. Senatorial district number twenty-three contains Greenland, Hampton, Hampton Falls, Newington, North Hampton, wards one and two of Portsmouth and Stratham.

On motion of Senator Humphreys, under suspension of the rules, the reading of the amendment was dispensed with and he explained:

"Mr. President: by vote of the Senate recorded in Page 1110 of the Senate Journal of July 25, 1957, House Bill 187 entitled, 'An Act to redistrict the state into senatorial districts', together with a proposed Senate committee amendment which was published on Page 1061 Senate Journal July 23, 1957, was referred to this committee 'to study the whole problem of re-



districting and report back to the 1959 Senate'. This HB 187 had been passed by the House but was not acceptable to a majority of the Senate. The Senate committee's proposed amendment was also rejected; however the Senate voted unanimously on roll call against 'laying the bill on the table' and referred it to this interim committee. Judging by that unanimous vote, apparently all of the twenty-four senators in the 1957 legislature were in agreement that, to comply with our constitution, the Senate must be redistricted.

'Our New Hampshire Constitution, Part Second, Provides:

'Art. 25. The Senate shall consist of twenty-four members.

'Art. 26. And that the state maybe equally represented in the senate, the legislature shall, from time to time divide the state into twenty-four districts, as nearly equal as may be without dividing towns and unincorporated places.'

"The New Hampshire Supreme Court has ruled, dated April 30, 1957, as follows:

'Present-day apportionment statutes are based upon equalized valuations as determined by the Tax Commission (RSA 71:11 V);'

"The oath of office prescribed by Art. 84 of the New Hampshire constitution and solemnly sworn to by every governor and every member of the Senate and House of Representatives, is substantially as follows:

'I do solemnly swear, that I will bear faith and true allegiance to the State of New Hampshire, and will support the constitution thereof.

'I do solemnly and sincerely swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me according to the best of my abilities, agreeably to the rules and regulations of this constitution and the laws of the State of New Hampshire. So Help me God.'

"Insofar as senate redistricting is concerned, the New Hampshire legislature has not fulfilled the obligation of its oath of office since 1913. During this forty-eight-year lapse, value of property, taxes paid, and population have greatly increased throughout the state but disproportionately in the twenty-four senate districts.

"In 1913 when the boundaries of the present senatorial districts were established, the twenty-four districts were presumably 'nearly equal' in valuation or direct taxes paid. Now, however, the equalized valuation, which according to the New Hampshire Supreme Court decision quoted in part above, is a proper constitutional basis for dividing the state into twenty-four senate districts, varies from about 30 million in the lowest valued district to nearly 176 million in the highest valued district.

"Contrary to our constitution, some localities now have, and have had for a number of years, proportionately much more or much less representation in the state senate than they are entitled to. Session after session of the legislature has failed to redistrict as the constitution provides and the inequalities in senate representation are expected to continue to worsen the longer the redistricting task is postponed. It can be foreseen that eventually, unless redistricting is accomplished soon, there will be so many districts over-represented that, in spite of the oath taken by every senator and representative to perform their duties as prescribed by our constitution, it is likely to become virtually impossible to get a majority in the senate to vote for any redistricting bill.

"Ostensibly no one contends that our constitutional law should be longer evaded in respect to equalization of senate districts or that any section of the state is entitled to more or less representation than is prescribed thereby.

"It is my earnest hope that this Senate will do its part to remedy this long-standing inequality of representation by passing this bill unanimously."

On a *viva voce* vote, the amendment offered by the Committee was adopted.

Senator Caron offered the following amendment and spoke in favor thereof:

Amend House Bill No. 477 by striking out all after the enacting clause and inserting in place thereof the following:

1. Senatorial Districts. Amend RSA 62:12 to 35, inclusive, by striking out said sections and inserting in place thereof the following:

62:12 District 1. Senatorial district number one contains Berlin, Gorham, Milan, Randolph, Shelburne and the following unincorporated places: Bean's Grant, Bean's Purchase, Chandler's Purchase, Crawford's Purchase, Cutt's Grant, Green's Grant, Hadley's Purchase, Low and Burbank's Grant, Martin's Location, Pinkham's Grant, Sargent's Purchase, Success, and Thompson and Meserve's Purchase.

62:13 District 2. Senatorial district number two contains Carroll, Clarksville, Colebrook, Columbia, Dalton, Dummer, Errol, Jefferson, Lancaster, Littleton, Northumberland, Pittsburg, Stark, Stewartstown, Stratford, Wentworth's Location, Whitefield and the following unincorporated places; Atkinson and Gilmanton Academy Grant, Cambridge, Dix's Grant, Dixville, Erving's Grant or Location, Kilkenny, Millsfield, Odell and Second College Grant.

62:14 District 3. Senatorial district number three contains Alexandria, Ashland, Bethlehem, Bridgewater, Bristol, Campton, Center Harbor, Easton, Ellsworth, Franconia, Grafton, Groton, Hebron, Holderness, Lincoln, Meredith, New Hampton, Orange, Plymouth, Rumney, Thornton, Waterville, Woodstock and the unincorporated place of Livermore.

62:15 District 4. Senatorial district number four contains all of Carroll County.

62:16 District 5. Senatorial district number five contains Bath, Benton, Canaan, Dorchester, Enfield, Hanover, Haverhill, Landaff, Lebanon, Lisbon, Lyman, Lyme, Monroe, Orford, Piermont, Warren and Wentworth.

62:17 District 6. Senatorial district number six contains Belmont, Gilford and Laconia.

62:18 District 7. Senatorial district number seven contains Andover, Boscawen, Canterbury, Danbury, Franklin, Hill, Hopkinton, Newbury, New London, Northfield, Salisbury, Sanbornton, Sutton, Tilton, Webster and Wilmot.

62:19 District 8. Senatorial district number eight contains Bradford, Hillsborough, Warner and all of Sullivan County.

62:20 District 9. Senatorial district number nine contains Alstead, Gilsum, Keene, Marlow, Nelson, Roxbury, Stoddard, Sullivan, Surry, Walpole and Westmoreland.

62:21 District 10. Senatorial district number ten contains Chesterfield, Dublin, Fitzwilliam, Greenfield, Hancock, Harrisville, Hinsdale, Jaffrey, Marlborough, Peterborough, Richmond, Rindge, Sharon, Swanzey, Temple, Troy and Winchester.

62:22 District 11. Senatorial district number eleven contains Amherst, Antrim, Bennington, Brookline, Deering, Frankestown, Greenville, Hollis, Lyndeborough, Mason, Milford, Mont Vernon, ward one of Nashua, New Ipswich, Wilton and Windsor.

62:23 District 12. Senatorial district number twelve contains wards two, three, four, five, six, seven, eight and nine of Nashua.

62:24 District 13. Senatorial district number thirteen contains Allenstown, Alton, Barnstead, Bow, Chichester, wards one and two of Concord, Epsom, Gilmanton, Hooksett, Loudon, Pembroke and Pittsfield.

62:25 District 14. Senatorial district number fourteen contains wards three, four, five, six, seven, eight and nine of Concord.

62:26 District 15. Senatorial district number fifteen contains Dunbarton, Goffstown, Henniker, wards one and two of Manchester, and Weare.

62:27 District 16. Senatorial district number sixteen contains wards five, nine and ten of Manchester and Hudson.

62:28 District 17. Senatorial district number seventeen contains wards, six, seven, eight and fourteen of Manchester, Litchfield and Londonderry.

62:29 District 18. Senatorial district number eighteen contains Bedford, wards three, four, eleven, twelve and thirteen of Manchester, Merrimack, New Boston and Pelham.

62:30 District 19. Senatorial district number nineteen contains Farmington, Middleton, Milton, New Durham, Rochester and Somersworth.

62:31 District 20. Senatorial district number twenty contains Barrington, Deerfield, Dover, Durham, Lee, Madbury, Northwood, Nottingham, Raymond, Rollinsford and Strafford.

62:32 District 21. Senatorial district number twenty one contains Atkinson, Auburn, Candia, Chester, Derry, Hampstead, Salem and Windham.

62:33 District 22. Senatorial district number twenty two contains Brentwood, Danville, East Kingston, Epping, Exeter, Fremont, Hampton Falls, Kensington, Kingston, Newfields, Newmarket, Newton, Plaistow, Sandown, Seabrook and South Hampton.

62:34 District 23. Senatorial district number twenty three contains Greenland, Hampton, Newington, North Hampton, wards one and two of Portsmouth and Stratham.

62:35 District 24. Senatorial district number twenty four contains New Castle, wards three, four, five and six of Portsmouth and Rye.

2. Takes Effect. This act shall take effect sixty days after its passage, but nothing herein shall be construed as affecting the terms of office of the members of the senate for 1961-1962.

Senator Caron: "Mr. President: I appreciate the courtesy of the committee of the whole for giving me the weekend to complete the research on this amendment which I propose. I am sure that people of the small towns of Stark and Randolph will be equally appreciative because the research which I have done has disclosed that the voters of these two towns would have been disenfranchised had the original of HB 477 been hurriedly endorsed by this Senate.

"We are all well aware that the framers of the Constitution in their wisdom required that the seats in the Senate be apportioned on the basis of valuation of property. However, I believe that the framers of the Constitution took it for granted that whenever this would be done the Legislature would also automatically take into consideration two other factors, namely; areas of common interest and, (2) trends in economic growth, to the end that this formidable task would not have to be undertaken more often than absolutely necessary.

"Under my proposed amendment the redistricting as proposed in the original bill is the same for the following districts except that the towns of Randolph and Stark, which I believe were inadvertently omitted, have been placed in Districts 1 and 2 respectively: Districts 1, 2, 3, 4, 5, 6 and old District 20 which

is District 19 in my amendment, and Districts 22, 23 and 24. Thus, my amendment recognizes the need for more representation in the growing seacoast area of New Hampshire but it also recognizes that Manchester with her new beltline highways will now begin to grow rapidly and, therefore, I believe that the districting in this area will more nearly meet the test of time than the unrealistic approach used in the original bill.

"In other areas of the State I believe my amendment, while meeting the valuation test, also more nearly meets the other test of community of interest and growth trends than the original bill.

"I am the first to recognize that every member of this Senate is keenly interested in performing his duty as prescribed by the Constitution but I also believe that we must also interest ourselves in these unwritten factors which I am sure the framers of the Constitution felt could remain unwritten because legislators in considering this subject would use their good common sense and recognize their importance.

"This matter of redistricting has come up in almost every session that I can remember. It has never been successfully enacted because a majority of this Senate could not be satisfied with the various proposals. I am sure that my proposal meets with the approval of the members of my party and I have discussed the amendment with members of the majority party who agree with me that it is an improvement over the original bill. I therefore urge the Senate to lay aside petty considerations and get this matter out of the way once and for all."

Question being on adoption of Senator Caron above.

On this question, Senator Caron demanded a Roll Call.

The Clerk proceeded to call the Roll.

### Roll Call

The following named Senators voted in the affirmative: Lamontagne, Paquette, Caron, Provost, Daniel and Bergeron.

The following named Senators voted in the negative: Drake, McMeekin, Sawyer, Monahan, Gardner, Cleveland, Phillips, Dunlap, Eaton, English, Holmes, Bunten, Cheney, Dunnington, Buckley and Humphreys.

Six Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the negative prevailed, and the amendment was not adopted.

Senator Lamontagne moved that the bill be indefinitely postponed and spoke in support: "Mr. President, my main reason for this motion is that I certainly think that the amendment of Senator Caron was good. I don't believe that this Committee amendment as introduced is fair. I don't think it is fair because I certainly believe that the members of the Senate should not have their fingers into the pie, that this bill is not fair. I am not trying to be selfish; the bill does not bother me either way one bit. I do think that some commission should have been appointed by the Governor and Council without any members of the Senate being in it whatsoever. That would have been the only fair thing to have been done. That is the reason for my motion."

Senator Bergeron spoke in support of the motion: "I think that the amendment that was just defeated was very fair and very equally apportioned. It does not seem fair to eliminate one seat from the minority."

Senator Monahan stated that he believed the suggestion of Senator Lamontagne, that the Governor and Council name a commission to do this redistricting, would be unconstitutional.

Senator Daniel: "Mr. President, I am opposed to this bill and to this presented amendment. I am in favor of the motion to indefinitely postpone. It is very easy to go about talking about redistricting, but it is not easy to do that when anybody is in the minority. This bill could have been worked out to the satisfaction of everyone in this Senate, without being aimed at any one member of this state Senate. As you will recall, in the session of 1955, we had a good bill and had it been passed, it would not have hurt anyone. But when that bill came to the floor of this Senate, there was opposition to it because it was going to do just one thing — it was going to interfere with one seat in this Senate. Therefore, the Senate voted the bill inexpedient. At the present time, the city of Manchester, which is called the Queen City of the State of New Hampshire, will be, under this bill cut to 3 Senators and I wish to bring out very clearly that after 16 years of loyal service to the State of New Hampshire, I will not be a candidate for reelection. I am speaking to you for the city of Manchester with a population of almost 89,000 people. I come to you today on a point of justice; as in the pledge to the American flag; let justice prevail. . . ."



Senator Monahan stated that he would oppose the motion to indefinitely postpone. Stated that this has been done too many times in the past in other sessions. Stated that this redistricting is the responsibility of the Senate and that the Senate should face up to its responsibility and see to it that the Senate be divided into 24 equal districts.

Senator Caron spoke in support of the motion to indefinitely postpone.

Question being on motion of Senator Lamontagne that the bill be indefinitely postponed.

Senator Daniel demanded a Roll Call vote on this question.

The Clerk proceeded to call the Roll.

### Roll Call

The following named Senators voted in the affirmative: Lamontagne, Paquette, Cheney, Caron, Provost, Daniel and Bergeron.

The following named Senators voted in the negative: Drake, McMeekin, Sawyer, Monahan, Gardner, Cleveland, Phillips, Dunlap, Eaton, English, Holmes, Bunten, Dunnington, Buckley and Humphreys.

Seven Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the negative prevailed, and the motion was lost.

Senator Daniel offered the following amendment and spoke in support:

Amend the bill by striking out all after the enacting clause and substituting therefor the following:

1 Senatorial Districts. Amend RSA 62:12 to 35, inclusive, by striking out said sections and inserting in place thereof the following:

62:12 District 1. Senatorial district number one contains Berlin, Dummer, Milan, Shelburne and the following unorganized places: Cambridge and Success.

62:13 District 2. Senatorial district number two contains Bartlett, Bethlehem, Carroll, Chatham, Clarksville, Colebrook, Columbia, Dalton, Errol, Gorham, Hart's Location, Jackson, Jefferson, Lancaster, Northumberland, Pittsburg, Randolph,

Stark, Stewartstown, Stratford, Wentworth's Location, Whitefield and the following unorganized places: Bean's Grant, Bean's Purchase, Chandler's Purchase, Crawford's Purchase, Cutt's Grant, Dix's Grant, Dixville, Erving's Grant, Gilmanton and Atkinson Academy Grant, Green's Grant, Hadley's Purchase, Hale's Location, Kilkenny, Low and Burbank's Grant, Martin's Location, Millsfield, Odell, Pinkham's Grant, Sargent's Purchase, Second College Grant and Thompson and Meserve's Purchase.

62:14 District 3. Senatorial district number three contains Bath, Easton, Franconia, Landaff, Lincoln, Lisbon, Littleton, Livermore, Lyman, Monroe and Woodstock.

62:15 District 4. Senatorial district number four contains Albany, Campton, Center Harbor, Conway, Eaton, Effingham, Freedom, Holderness, Madison, Moultonborough, Ossipee, Sandwich, Tamworth, Thornton, Tuftonboro, Wakefield, Waterville, and Wolfeboro.

62:16 District 5. Senatorial district number five contains Benton, Canaan, Dorchester, Ellsworth, Enfield, Grafton, Grantham, Groton, Hanover, Haverhill, Lebanon, Lyme, Orange, Orford, Piermont, Rumney, Springfield, Warren and Wentworth.

62:17 District 6. Senatorial district number six contains Gilford, Laconia and Meredith.

62:18 District 7. Senatorial district number seven contains Alexandria, Andover, Ashland, Belmont, Bridgewater, Bristol, Danbury, Franklin, Hebron, Hill, New Hampton, New London, Northfield, Plymouth, Sanbornton, Tilton and Wilmot.

62:19 District 8. Senatorial district number eight contains Acworth, Alstead, Charlestown, Claremont, Cornish, Croydon, Goshen, Langdon, Lempster, Plainfield, Newport, Sunapee, and Unity.

62:20 District 9. Senatorial district number nine contains Antrim, Bennington, Boscawen, Bradford, Canterbury, Ward one of Concord, Deering, Dunbarton, Francestown, Greenfield, Hancock, Harrisville, Henniker, Hillsborough, Hopkinton, Lyndeborough, Marlow, Nelson, New Boston, Newbury, Salisbury, Stoddard, Sutton, Warner, Washington, Weare, Webster and Windsor.

62:21 District 10. Senatorial district number ten contains Gilsum, Keene, Roxbury, Sullivan, Surry, Walpole and Westmoreland.

62:22 District 11. Senatorial district number eleven contains Chesterfield, Dublin, Fitzwilliam, Hinsdale, Jaffrey, Marlborough, New Ipswich, Peterborough, Richmond, Rindge, Sharon, Swanzey, Troy and Winchester.

62:23 District 12. Senatorial district number twelve contains Amherst, Brookline, Greenville, Hollis, Litchfield, Mason, Merrimack, Milford, Mont Vernon, Wards one and two of Nashua, Temple and Wilton.

62:24 District 13. Senatorial district number thirteen contains Wards three, four, five, six, seven, eight and nine of Nashua.

62:25 District 14. Senatorial district number fourteen contains Allentown, Alton, Barnstead, Bedford, Bow, Brookfield, Chichester, Epsom, Gilmanton, Goffstown, Hooksett, Middleton, Milton, New Durham, Pembroke and Pittsfield.

62:26 District 15. Senatorial district number fifteen contains Wards two, three, four, five, six, seven, eight and nine of Concord and Loudon.

62:27 District 16. Senatorial district number sixteen contains Auburn, Brentwood, Candia, Chester, Deerfield, Epping, Exeter, Fremont, Londonderry, Ward one of Manchester and Raymond.

62:28 District 17. Senatorial district number seventeen contains Wards three, four, five, seven and ten of Manchester.

62:29 District 18. Senatorial district number eighteen contains Wards two, six, eight and fourteen of Manchester.

62:30 District 19. Senatorial district number nineteen contains Wards nine, eleven, twelve and thirteen of Manchester.

62:31 District 20. Senatorial district number twenty contains Farmington, Rochester, Rollinsford and Somersworth.

62:32 District 21. Senatorial district number twenty-one contains Barrington, Dover, Durham, Lee, Madbury, Newington, Northwood, Nottingham and Strafford.

62:33 District 22. Senatorial district number twenty-two contains Atkinson, Danville, Derry, East Kingston, Kingston, Hampstead, Hudson, Kensington, Newton, Pelham, Plais-tow, Salem, Sandown, South Hampton and Windham.

62:34 District 23. Senatorial district number twenty-three contains Greenland, Hampton, Hampton Falls, Newfields, Newmarket, North Hampton, Wards four and five of Ports-mouth, Seabrook and Stratham.

62:35 District 24. Senatorial district number twenty-four contains New Castle, Wards one, two and three of Portsmouth and Rye.

On question of adoption, Senator Daniel demanded a Roll Call.

The Clerk proceeded to call the Roll.

#### Roll Call

The following named Senators voted in the affirmative: Paquette, Caron, Provost, Daniel and Bergeron.

The following named Senators voted in the negative: Lamontagne, Drake, McMeekin, Sawyer, Monahan, Gardner, Cleveland, Phillips, Dunlap, Eaton, English, Holmes, Bunten, Cheney, Dunnington, Buckley and Humphreys.

Five Senators having voted in the affirmative, and 17 Senators having voted in the negative, the negative prevailed, and the amendment was not adopted.

Senator Eaton moved the previous question. Seconded by Senator Dunlap.

On a *viva voce* vote, the affirmative prevailed.

Question now being on: Shall the bill as amended be ordered to a third reading.

On this question, Senator Daniel demanded a Roll Call.

The Clerk proceeded to call the Roll.

The following named Senators voted in the affirmative: Drake, McMeekin, Sawyer, Monahan, Gardner, Cleveland, Phillips, Dunlap, Eaton, English, Holmes, Bunten, Dunning-ton, Buckley and Humphreys.

The following named Senators voted in the negative: Lamontagne, Paquette, Cheney, Caron, Provost, Daniel and Bergeron.

Fifteen Senators having voted in the affirmative, and seven Senators having voted in the negative, the affirmative prevailed, and the bill as amended was ordered to a third reading.

On motion of Senator Cleveland, under suspension of the rules, the bill was ordered to third reading and final passage at the present time.

### Third Reading and Final Passage of Bill

HB 477, to redistrict the state into senatorial districts.

On motion of Senator Dunlap, the Senate refused to reconsider its vote whereby it passed the above entitled bill.

### Committee Reports (Continued)

Senator Cheney, for the Committee on Finance and Executive Dept., Municipal and County Government:

HB 165, relative to expenditure of state appropriations. Ought to pass.

Senator Buckley explained the bill, stated that under this bill an advisory committee would be set up.

On a *viva voce* vote, the bill was ordered to a third reading.

Senator Cheney for the Committee on Finance and Executive Dept., Municipal and County Government:

HB 473, relative to the state council on aging. Ought to pass.

Senator Buckley explained the bill.

On a *viva voce* vote, the bill was ordered to a third reading.

Senator Cheney, for the Committee on Finance and Agriculture:

HB 449, relative to term of office of members of the State Soil Conservation Committee. Ought to pass with amendment.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1 Term of Office. Amend RSA 430:2 (supp) as amended by 1955, 239:1, by striking out said section and

inserting in place thereof the following: 430:2 State Soil Conservation Committee. There is hereby established to serve as an agency of the state, the state soil conservation committee, which shall consist of five members; the director of the state agricultural extension service, the director of the state agricultural experiment station, the state agricultural commissioner and two farmer members, at least one of whom shall be a district supervisor. Said farmer members shall be appointed by the governor with the advice and consent of the council to serve two years respectively from August 1 and until their successors are appointed and qualified, provided, however, that of the first appointments made hereunder one farmer member shall be appointed to serve for a term of one year, and the other farmer member shall be appointed for a term of two years. Vacancies shall be filled for the unexpired term. The committee so composed shall elect its own chairman. The members of said committee shall serve without compensation, but the farmer members shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties. It may adopt rules and regulations necessary for the execution of its functions hereunder and shall keep a record of its official actions. Within the limits of the appropriation it may employ such employees as it requires and fix their compensation subject to the rules and regulations of the division of personnel.

On motion of Senator Buckley, under suspension of the rules, the reading of the amendment was dispensed with.

Senator Buckley: "Mr. President, a technical amendment. This committee consists of five members. Two farmer members, one for 1 year and one for two years. Now set up for a two year term. Also, the Senate committee further amended the bill by allowing only the farmer members to share in the expenses."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading.

On motion of Senator Buckley, under suspension of the rules, the bill was read a third time and passed at the present time.

### Third Reading and Final Passage of Bill

HB 449, relative to term of office of members of the state soil conservation committee.

Senator Cheney, for the Committee on Finance:

HB 71, providing for a bounty on wolves. Ought to pass.

Senator Buckley: "Mr. President, this bill is exactly the same as it came into the House. It establishes a \$10 bounty on wolves and on wild cats. Previously, the bounty on wild cats had been \$20."

The bill was ordered to a third reading.

Senator Buckley, for the special Committee consisting of Senators Battles, Buckley and Humphreys:

HB 432 legalizing the annual town meeting held in the town of Exeter, March 14, 1961. Ought to pass.

Senator Buckley presiding.

Senator Battles: "Mr. President, at the annual town meeting in Exeter, there was a motion made at the very last part of the meeting that the Selectmen be instructed to take up the question whether or not the town should have voted by ballot, on sums in excess of \$750. They voted for police cruisers, fire engines, etc. on the Australian ballot. If it goes to court, and the court says \$750 not legal, then nobody knows what is going to happen to them. They have agreed that if the question is sent to the court, it will be all right."

Senator Battles presiding.

On a *viva voce* vote, the above bill was ordered to a third reading.

Senator Cheney, for the Special Committee consisting of the Concord Delegation:

HB 330, relative to the Concord City charter. Ought to pass with amendment.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1 City of Concord. Amend section 11 of chapter 429 of the laws of 1957 by striking out said section and inserting in place thereof the following:

429:11 Compensation. The mayor and aldermen shall receive an annual salary fixed by the board of aldermen, pro-



vided, however, any change in an annual salary once fixed shall not be effective until the first Tuesday of January following the municipal election.

Senator Dunlap: "Mr. President, I wish to speak in favor of the amendment. The original bill provided that the salary of the Mayor and Board of Aldermen be set by the Legislature. Consistent with the other actions taken this session in this Senate, the amendment sets the salary at the local level. This amendment does that and I hope the Senate will vote in favor. The salary of the Mayor and Aldermen will be set by the Aldermen instead of by the Legislature."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading.

On motion of Senator Dunlap, under suspension of the rules, the bill was placed on its third reading and final passage at the present time.

### **Third Reading and Final Passage of Bill**

HB 330, relative to the Concord City charter.

### **House Message**

The Message stated that the House has voted to accede to the request of the Senate for a Committee of Conference on the following entitled bill:

SB 57, establishing an interim committee to study the question of extending the powers of the Maine-New Hampshire Interstate Bridge Authority

and the Speaker has appointed as members of said Committee on the part of the House: Messrs. Galloway of Walpole; Clement of Rochester; and Congdon of Troy.

The Message further stated that the House refuses to concur with the Senate in the adoption of the amendment to the following entitled bill sent down from the Senate:

HB 395, relative to free registration number plates for emergency vehicles and request a Committee of Conference; the Speaker has appointed as members of said Committee of Conference on the part of the House: Messrs. Claflin of Wolfboro; Bradley of Thornton; and McGee of Lincoln.

On motion of Senator Buckley, the Senate voted to accede to the request for a Committee of Conference.

The President appointed as members of such committee on the part of the Senate, Senators Buckley and English.

The Message stated that the House has voted to adopt the recommendations of the Committee of Conference on the following entitled bill:

SB 57, establishing an interim committee to study the question of extending the powers of the Maine-New Hampshire Interstate Bridge Authority.

The Message further stated that the House has passed the following entitled bill, in the passage of which it asks the concurrence of the Senate:

HB 488, relative to the salary of the mayor of Dover.

### **Read and Referred**

The above entitled bill was read a first and second time.

On motion of Senator Dunnington, under suspension of the rules, referral to committee was dispensed with.

On further motion of the same Senator, the rules were suspended and the bill was placed on its third reading and final passage at the present time.

### **Third Reading and Final Passage of Bill**

HB 488, relative to the salary of the mayor of Dover.

### **Report of Committee of Conference**

The Committee of Conference to which was referred Senate Bill 57 entitled An Act establishing an interim committee to study the question of extending the powers of the Maine-New Hampshire Interstate Bridge Authority, having considered the same, report the same with the following recommendation,

That the House recede from the adoption of its amendment and that the Senate and House adopt the following amendment:

Amend the bill by inserting after section 3 thereof, the following new section:

4 Constitutionality. In the event that any part or provision of this act shall be found to be in violation of the Constitution of the State of New Hampshire, said part or provision shall be stricken out and, as far as possible, all the remainder of this act shall continue and be in full force and effect.

Further amend the bill by renumbering section 4 to read 5.

Conferees on the Part of the Senate  
Cecil Charles Humphreys  
Thomas C. Dunnington

Conferees on the Part of the House  
Robert L. Galloway  
Arnold Tollement  
Robert H. Congdon

On a *viva voce* vote, the report of the Committee of Conference was adopted.

### Report of Committee of Conference

The Committee of Conference to which was referred HB 63, providing for seasons for the taking of deer, having considered the same, report the same with the following recommendation,

That the House recede from its position of nonconcurrency and that the Senate and House adopt the following amendment:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Wild Deer. Amend RSA 208:2 (supp) as amended by 1955, 264:1 by striking out in the third, fourth and fifth lines the words "In the counties of Grafton, Coos and Carroll from November first to November thirtieth and in all other counties of the state from December first to December twenty-first" and inserting in place thereof, from November twentieth through November thirtieth inclusive, in all counties of the state: and from November first through November nineteenth inclusive northerly of a line described as follows: Beginning at a point on the Connecticut River one and one-half miles North, twelve degrees East of the bench mark at Haverhill and thence South, eighty degrees East true bearing to a point on the Appalachian

Trail Way in Kinsman's Notch, thence Northeasterly along said Appalachian Trail Way crossing U. S. Route 3 in Franconia Notch and continuing along said Appalachian Trail Way in a North and Easterly direction crossing U. S. Route 302 at Crawford Notch State Park, thence continuing along said Appalachian Trail Way in a Northeasterly direction to the Summit of Mt. Washington, thence Southerly along the Davis Path to the Glen Boulder Trail, and thence South and Easterly along the Glen Boulder Trail to the Glen Ellis Falls and thence Southerly along the Ellis River to the Coos-Carroll County line and thence Easterly along said County line to the State of Maine; and from December first through December tenth inclusive southerly of the above described line, so that said section as amended shall read as follows:

208:2 Taking, Time. Wild deer, outside game preserves, may be hunted and taken from one-half hour before sunrise to one-half hour after sunset, from November twentieth through November thirtieth inclusive in all counties of the state; and from November first through November nineteenth inclusive northerly of a line described as follows: Beginning at a point on the Connecticut River one and one-half miles North, twelve degrees East of the bench mark at Haverhill and thence South, eighty degrees East true bearing to a point on the Appalachian Trail Way in Kinsman's Notch, thence Northeasterly along said Appalachian Trail Way crossing U. S. Route 3 in Franconia Notch and continuing along said Appalachian Trail Way in a North and Easterly direction crossing U. S. Route 302 at Crawford Notch State Park, thence continuing along said Appalachian Trail Way in a Northeasterly direction to the Summit of Mt. Washington, thence Southerly along the Davis Path to the Glen Boulder Trail, and thence South and Easterly along the Glen Boulder Trail to the Glen Ellis Falls and thence Southerly along the Ellis River to the Coos-Carroll County line and thence Easterly along said County line to the State of Maine; and from December first through December tenth inclusive southerly of the above described line, except that no deer shall be hunted or taken at any time on any island or in any waters in lakes and ponds.

2 Takes Effect. This act shall take effect October 1, 1961.

Conferees on the part of the Senate:  
Arthur M. Drake  
Mary Walsh Caron

Conferees on the part of the House:

Harvey Converse  
Tracy Spaulding  
Walter O. Bushey

Senator Drake, under suspension of the rules, moved that the reading of the report be dispensed with.

Senator Drake: "Mr. President, I am happy to be able to stand up here and say that we have at last reached an agreement by this Committee of Conference. We regret that we had to give up the four days in November, but this is the only way that we could do it. I hope the Senate will concur."

Senator Holmes spoke in opposition. Also Senator English.

Senator Buckley spoke in support of the report of the Committee of Conference being accepted.

Senator Lamontagne spoke in opposition.

Senator Eaton spoke in strong support of the motion to concur.

Senator Monahan: "Mr. President, as the record will show, I have consistently supported the single season deer bill as passed by the House. I do say that the compromise prepared by Senator Drake is the best thing to be done. I am happy that an agreement has been reached by the House and Senate."

On a *viva voce* vote, the Senate voted to concur in the adoption of the report of the Committee of Conference.

Senator Holmes and Senator Lamontagne desired to be recorded as voting in opposition.

### House Message

The Message further stated that the House refuses to concur with the Senate in the adoption of the amendments to the following entitled bill sent down from the Senate:

HB 297, relative to school buses and request a Committee of Conference; the Speaker has appointed as members of such Committee on the part of the House, Messrs. Claflin of Wolfboro; Urie of New Hampton; and McGee of Lincoln.

On motion of Senator Buckley, The Senate voted to accede to the request for a Committee of Conference.

Pursuant to the above, the President appointed as members of such Committee on the part of the Senate, Senators Buckley and Bergeron.

The Message further stated that the House has voted to concur with the Senate in its amendments to the following entitled bills:

HB 75, providing a retirement system for employees of the city of Berlin.

HB 108, relative to the town of Hampton municipal development authority.

The Message further stated that the House has voted to refer to the Legislative Council the following entitled Senate Bill:

SB 127, providing for the removal of names from check-lists in certain cases.

The Message further stated that the House refuses to concur with the Senate in the passage of the following entitled bill sent down from the Senate:

SB 156, relative to state employees retirement system.

### Concurrent Resolution

Senator Humphreys offered the following concurrent Resolution, which was unanimously adopted:

*Whereas* the New Hampshire General Court has learned with pride of the selection of Governor Wesley Powell as Chairman of the National Governors' Conference, and

*Whereas*, such selection reflects great honor and esteem upon the State of New Hampshire, therefore be it

*Resolved* by the Senate and the House of Representatives in General Court convened:

That we, the members of the New Hampshire General Court do hereby extend our heartiest congratulations and commendation to Governor Wesley Powell upon his election to this high office.

The President recognized Senator Daniel, who requested that the following letter be printed in the Journal:

The White House  
Washington, D. C.

June 23, 1961

Dear Mr. Daniels:

The President has asked me to acknowledge your recent letter advising him of your resolution, introduced in the Senate of the State of New Hampshire, urging the establishment of quotas and more stringent tariff restrictions on imports of textiles and textile products.

The President's concern for the welfare of the domestic textile industry is indicated by his designation of a Cabinet-level study committee which on May 2nd announced a series of measures designed to assist the industry. These include (a) U. S. initiative in calling a conference of principal textile exporting and importing countries to seek "a basis for trade that will avoid undue disruption of established industries," (b) assurance that any "application by the textile industry for action under existing statutes, such as the escape clause or the national security provision of the Trade Agreements Extension Act, will be carefully considered on its merits," and (c) a proposal for congressional action to authorize Federal government aid to industries "seriously injured or threatened with serious injury as a result of increased imports."

The President has directed that energetic effort be made to carry out the committee recommendations as expeditiously and as effectively as possible.

Your courtesy in informing the President of the action you have taken in the New Hampshire Senate is very much appreciated.

Sincerely,

Myer Feldman  
Deputy Special Counsel  
to the President

### Guests

As the guest of the entire Senate, former Senator and now member of the House, Eda Martin of Littleton.



On motion of Senator Eaton, the rules were suspended to permit the introduction of a Committee Report not previously advertised in the Journal.

Senator Holmes, for the Committee on Education:

HB 227, relative to the construction of a physical education building at the University of New Hampshire. Ought to pass.

Senator Eaton explained the bill and spoke in support of same.

Under suspension of the rules, the referral to Committee was dispensed with.

On a *viva voce* vote, the bill was ordered to a third reading.

On motion of Senator Eaton, under suspension of the rules, the above bill was read a third time and passed at the present time.

The President declared a Recess until 3:30 P. M.

(Recess)

The Senate reassembled.

The President recognized Senator Humphreys:

Senator Humphreys: "Mr. President, I wish to commend and express thanks to the Senator from the 11th District and members of the Claims Committee for their help while I was acting Chairman of the Finance Committee in holding hearings as a Finance sub-committee which made it possible for the Finance Committee to clear its docket of pending bills most expeditiously."

### House Message

Mr. President:

The House has passed the following entitled bills, in the passage of which it asks the concurrence of the Senate:

HB 296, relative to interest charges on home mortgage loans.

The Message further stated that the House concurs with the Senate in the passage of the following captioned joint resolution:

SJR 12, to pay certain judgments against the state of New Hampshire.

The Message further stated that the House has voted to concur with the Senate in the passage of the following Concurrent Resolution sent down from the Senate:

Concurrent Resolution regarding adjournment.

The Message further stated that the House has voted to concur with the Senate in the passage of the following entitled bills sent down from the Senate:

SB 53, to correct the reference in the statutes to the state department of health laboratory.

SB 128, relating to fire prevention in nursing homes.

SB 154, legalizing the proceedings of the annual school district meeting of Kensington held March 11, 1961 and adjourned to May 20, 1961 and authorizing a bond issue accordingly.

The Message further stated that the House refuses to concur with the Senate in the adoption of the amendments to the following entitled bill sent down from the Senate:

HB 43, regulating small loans.

and requests a Committee of Conference; the Speaker has appointed as members of said Committee on the part of the House: Messrs. Stevens of Epsom; Hancock of Concord; and Maloomian of Somersworth.

On motion of Senator Dunlap, the Senate voted to accede to the request of the House for a Committee of Conference.

Pursuant to the above, the President named as members of such Committee on the part of the Senate, Senators Dunlap and Caron.

The Message further stated that the House has refused to adopt the recommendation of the Committee of Conference to whom was referred the following entitled bill:

HB 63, providing one season for taking deer and requests a new Committee of Conference. The Speaker has appointed as members of such Committee on the part of the House, Messrs. Pillsbury of Manchester; Purrington of Exeter, and Casey of Manchester.

### Read and Referred

To the Committee on Banks & Insurance.

HB 296, relative to interest charged on home mortgage loans.

Senator McMeekin, under suspension of the rules, introduced a Committee Report not previously advertised in the Journal.

### Committee Report

Senator McMeekin, for the Committee on Military and Veterans Affairs:

SB 157, to create the Littleton Parking area. Ought to pass with amendment.

Amend the bill by striking out in section 4 thereof sub-section (a) (7).

Further amend the bill by striking out in section 5 thereof sub-section (a), sub-section (b) and sub-section (c), and re-lettering sub-section (d) and (e) to read (a) and (b) respectively.

On motion of Senator McMeekin, under suspension of the rules, the reading of the amendment was dispensed with.

The amendment was adopted and the bill as amended was ordered to a third reading.

On further motion of the same Senator, under suspension of the rules, the bill was ordered to a third time and final passage at the present time.

### Committee Reports

Senators McMeekin, Holmes, Paquette, and Daniel for a Majority of the Committee on Ways and Means:

HB 463, to incorporate the inhabitants of the easterly part of Lisbon into a separate town, with all the privileges and immunities of other towns in this state. Ought to pass with amendment.

Amend section 7 of the bill by adding at the end thereof the following, notwithstanding anything to the contrary in this section, in the event that prior to March 1, 1962 the Village District of Lisbon is established with all powers, liabilities and taxes identical so far as is possible to the prior Lisbon Village District which was dissolved in June 1960, then this act shall be null and void and from the day of said establishment of no further force and effect, so that said section as amended shall read as follows:

7 Takes Effect. This act shall take effect as of April 1, 1962 provided however, that during the period from March 1, 1962 to March 31, 1962, the first meeting of Sugar Hill shall be held as provided by section 4 of this act. Notwithstanding anything to the contrary in this section, in the event that prior to March 1, 1962 the Village District of Lisbon is established with all powers, liabilities and taxes identical so far as is possible to the prior Lisbon Village District which was dissolved in June 1960, then this act shall be null and void and from the day of said establishment of no further force and effect.

Senators Eaton, Drake, Bunten for a Minority of the Committee on Ways and Means. Report the above bill as Ought to pass.

Senator Drake moved that the report of the Minority, Ought to pass, be substituted for the report of the Majority, Ought to pass with amendment and spoke in support of his motion.

A split committee feel that this bill should pass *without any amendment*.

*What is the amendment?*

Provides that Sugar Hill is a town unless by next April the town of Lisbon reconstitutes its village district.

*What is wrong with amendment?*

Solves nothing

Lisbon is unhappy, or will be, because they voted to do away with the village district and this forces it back on them.

Sugar Hill is unhappy because it dangles township in front of them and then takes it away.

Amendment forces the two sections to remain shackled together strictly by order of this body—it shoves a bad situation down each of their throats.

Amendment assumes that the only reason for this bill is that the Sugar Hill people want a town because Lisbon dissolved its village district last March. *This is far from the truth. This is a problem of long standing.*

Let there be no mistake about this—this amendment is not fair to both sides, as some people seem to feel. If anything, it is unfair to both sides.

Sugar Hill either has the right to be a town and govern itself or it hasn't. This right should not be conditioned on some action by the people of Lisbon.

Very seldom that we create towns.

If people of a section show that there is good reason for it, we should grant it. The law recognizes that a problem of this proportion *can not be solved locally* — it is up to us to deal with the problem straight-forwardedly \* we should not duck our responsibility.

*What are reasons that Sugar Hill presented?*

1. Over 95% of the residents of Sugar Hill have asked for it.
2. Geographical division between the two sections.
  - A. 8-10 miles separates the two sections.
  - B. Only woods and wild terrain between the sections.
  - C. Connected by only one poorly maintained road and one dirt road no main road between them.
3. Sugar Hill already has its own fire dep't, school, town hall, post office. All of these buildings were acquired without the expense of a single tax dollar. Were acquired over the years with a view towards eventually becoming a separate town.

4. This bill in no way affects school districts or school taxes.

5. The division of Sugar Hill and Lisbon would have no adverse affect on Lisbon town tax. This has been attested to by the state tax commission before the house committee.

6. Under the bill, Sugar Hill assumes its fair proportion of the bonded indebtedness of Lisbon.

7. Even though Sugar Hill has paid for its proportionate share of Lisbon town property and Lisbon town equipment, Sugar Hill has not asked nor will it receive any part of it.

8. If Sugar Hill is created, it will be larger in size and valuation than a great many towns in this state.

9. Economically, geographically, and politically Sugar Hill is ready to become a town now.

There are two things that everyone, including the opponents, appear to agree on.

1. *That this is a deep problem of long standing.* This doesn't merely go back to last March. Sugar Hill improvement society, over 70 years old, was created to eventually achieve independence for Sugar Hill. The problem was there seven decades ago and it is still with them.

2. Second thing everybody agrees on is that *Sugar Hill has all the attributes of a town* except the blessing of this Senate. Besides all its buildings it has its own postmark, telephone exchange, and so forth. Many people of State and under impression that Sugar Hill is already and always has been a separate town.

What is opposition to this . . . what did the opponents state?

Admitted, point blank, situation bad.

Admitted problem one of long standing.

Admitted tried to solve locally, and couldn't.

Admitted the refusal of Lisbon to even try to sit down to go over problems with Sugar Hill people.

*Example:* No denial was made at the hearing that four months ago a Sugar Hill home was robbed . . . and that despite complaints the Lisbon police force has yet to go to the scene.

There appeared to be no real reason why Lisbon was vehemently opposing this move except pride. Nobody could give a good concrete solid answer as to how Lisbon would be hurt by this move.

*Who's in favor of bill?*

95% of residents of Sugar Hill

2-1 majority of the Grafton County Delegation.

Substantial majority of the House Committee (Municipal and County Gov't)

Grafton County Farm Bureau.

House by a vote of 206-125.

*Result if we don't pass bill as is*

Discord and bitterness

Year of waiting until Lisbon votes to put back its district, with all the tension and bad feeling this will create.

How much cooperation can Sugar Hill expect from Lisbon in view of the fact that they tried and lost???

Let me give you an example of how bad the feeling is already.

On Tuesday night, two members of the House were publicly abused in a crowded restaurant because they spoke in favor of the bill.

*Conclusion*

A. Problem goes back many, many years, so amending the bill giving Sugar Hill township, but then taking it away if Lisbon puts back village district is not the answer.

B. Sugar Hill has presented the strongest possible case for separation. They are already separated geographically . . . they have everything they need except our blessing.

C. No good real reason why bill should not go through.

D. The only precedent we are setting is that if a section of a town has sufficient and ample reason for deserving separa-



tion, we will grant it. Giving people the right of self government is hardly a dangerous precedent.

E. The problem cannot be solved locally and the amendment only creates more of the same problems that this bill is trying to eliminate.

F. Justice, equity, and fairness require passage of this bill without any crippling amendment.

Senator McMeekin spoke in opposition to the pending motion. Also Senator Lamontagne.

(discussion ensued)

Senator Eaton spoke in support of the motion. Also Senator Cleveland, and Senator Sawyer.

Senator Monahan in support of the motion to substitute.

On the question of the motion to substitute, Senator Drake demanded a Roll Call.

The Clerk proceeded to call the Roll.

### Roll Call

The following named Senators voted in the affirmative: Drake, Sawyer, Monahan, Gardner, Cleveland, Phillips, Eaton, English, Bunten and Dunnington.

The following named Senators voted in the negative: Lamontagne, McMeekin, Dunlap, Holmes, Paquette, Cheney, Caron, Provost, Daniel, Bergeron, Buckley and Humphreys.

Ten Senators having voted in the affirmative, and twelve Senators having voted in the negative, the negative prevailed, and the motion to substitute was lost.

Question now being on the report of the Majority. Ought to pass with amendment.

The amendment was adopted, and the bill as amended was ordered to a third reading.

On motion of Senator McMeekin, the rules were suspended and the bill was read a third time and passed at the present time.

### House Message

The House has voted to adopt the amendments offered by the Committee on Engrossed Bills to the following House Bill,

in the adoption of which amendments the House asks the concurrence of the Senate:

SB 72, providing for the election of county commissioners of the county districts of Merrimack County.

Amend section 1 of said bill by striking out the first four lines and inserting in place thereof the following:

1 County Commissioners, Election. Amend RSA 64:1 (supp) as amended by 1955, 261:1, 1955, 317:1 and 1961, 59:1 by inserting after the word "Grafton" the word, Merrimack, so that said section as

Amend section 2 of said bill by striking out the first two lines and inserting in place thereof the following:

2 Commissioner Districts. Amend RSA 64 by inserting after section 1-c, (supp) as inserted by 1961, 59:2 the following new section: 64:1-d Merrimack

Amend section 3 of said bill by striking out the first four lines and inserting in place thereof the following:

3 Qualifications. Amend RSA 64:2 (supp) as amended by 1955, 261:3, 1955, 317:3 and 1961, 59:3 by inserting after the word "Grafton" the word, Merrimack, so that said section as amended shall read

Amend section 4 of said bill by striking out the first two lines and inserting in place thereof the following:

4 Commissioners. Amend RSA 64:12 (supp) as amended by 1955, 317:4 and 1961, 59:4 by inserting after the word "Grafton" the word, Merrimack

On motion of Senator Monahan, the Senate voted to concur in the adoption of the amendment.

The Message further stated that the House has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bill, in the adoption of which amendments the House asks the concurrence of the Senate:

HB 346, establishing a department of resources and economic development, merging therein planning and development, forestry, recreation and transferring thereto for limited purposes the water resources board and the New Hampshire state port authority.

Amend RSA 12-A:5 as inserted by section 3 of the bill by striking out the thirteenth line and inserting in place thereof the following:

manufacturing, one of agriculture, one of recreation, one of forestry, one from the general public

Amend said bill by striking out sections 4, 5 and 6 being amendments to RSA 206:8, 12 and 13.

Further amend said bill by renumbering the remaining sections of the bill to read 4, 5, 6, 7, 8 and 9.

Amend section 7 as renumbered section 4 of said bill by striking out in the eighth, ninth and tenth lines the figures \$8,866-\$10,192 and inserting in places thereof the figures \$9,621.40-\$10,947.04.

On motion of Senator Monahan, the Senate voted to concur in the adoption of the amendments.

The Message further stated that the House has voted to concur with the Senate in its amendments to the following entitled bill and joint resolution:

HB 402, relative to credit unions.

HJR 45, relative to temporary and seasonal employees.

The Message further stated that the House has passed the following bill and joint resolution, in the passage of which it asks the concurrence of the Senate:

HJR 9, providing an appropriation toward reconstruction of Fort at Number Four.

HB 471, relative to the salaries of the secretary and deputy secretary of state and the state treasurer and deputy state treasurer.

### **Read and Referred**

To the Committee on Finance:

HJR 9, providing an appropriation toward reconstruction of Fort at Number Four.

The following entitled bill was read a first and second time:

HB 471, relative to the salaries of the secretary and deputy secretary of state and the state treasurer and deputy state treasurer.

On motion of Senator Cleveland, the rules were so far suspended as to dispense with reference to committee and the bill was placed on its third reading and final passage at the present time.

### House Message

Mr. President:

The House has voted to adopt the recommendations of the Committee of Conference on the following entitled bill:

HB 43, regulating small loans.

### Committee of Conference Report

#### Report of Committee of Conference

The Committee of Conference, to whom was referred House Bill No. 43, to regulate small loans, having considered the same, report the same with the following recommendations:

That the House recede from its position of non-concurrence and concur with the Senate in the adoption of the following Senate amendments: Paragraphs I and II, RSA 399-A:2; RSA 399-A:17; paragraphs I and II, RSA 399-A:20; RSA 399-A:22, all of which were inserted by section 1 of the bill; amendments to section 6 and the amendment whereby section 7 was stricken out;

That the Senate recede from its position in adopting all its other amendments to the bill, and

That the following amendments be adopted:

Amend said bill by striking out RSA 399-A:3, as inserted by section 1 of the bill, and inserting in place thereof the following:

399-A:3 Amount of Loan and Maximum Charges.

I. A licensee may lend any sum of money, goods, or things of value not exceeding in amount or value fifteen hundred dollars, excluding charges, upon such security not forbidden by

section 7 as may be agreed upon, under a contract which permits the combined total of the principal and charges to be paid in substantially equal and consecutive monthly installments and may charge, contract for and receive charges not exceeding sixteen dollars per one hundred dollars per year on that part of the principal of the loan not exceeding six hundred dollars and twelve dollars per hundred dollars per year on that part of the principal of the loan exceeding six hundred dollars but not exceeding fifteen hundred dollars and proportionately at those rates for a greater or lesser amount, within said limits, or over a longer or shorter term of loan. Such charges shall be computed when the loan is made on the principal of the loan for the full term of the loan contract and shall be added to the principal of the loan and the resulting sum shall be the face amount of the note. Every payment may be applied to the combined total of principal and charges until the contract is fully paid. If the contract is prepaid in full by cash, a new loan or otherwise before the final installment date the unearned portion of the charge shall be rebated. In computing any such rebate the charges applicable to a monthly period which has not fully elapsed shall not be deemed to be earned unless more than one-half of said period has elapsed on the date of prepayment in full. The portion of the charges applicable to any particular month of the contract shall be that proportion of the charges which the balance of the contract scheduled to be outstanding during such month bears to the sum of all monthly balances originally scheduled by the contract. Upon request, the lender shall deliver to the borrower a copy of the formula used in rebating charges.

II. No licensee shall permit any person, or any husband and wife, jointly or severally, to be obligated to him, on one or more contracts of loan, the total principal balance of which is more than fifteen hundred dollars.

III. No licensee shall induce or permit any borrower to split up or divide any loan. No licensee shall induce or permit any person, or any husband or wife, jointly or severally, to become obligated to him, directly or contingently, or both, under more than one contract of loan at the same time, for the purpose or with the result of obtaining a higher rate of charge than would otherwise be permitted by this section.

IV. For the purpose of applying paragraphs II and III of this section only, licensee shall mean any single licensee, except

that in the event any person or affiliated group of persons holds more than one license in the state, such person or affiliated group of persons shall be considered a single licensee.

V. If the contract so provides, a licensee may charge and collect an additional charge for either default or deferment. When one-half or more of an installment remains unpaid ten or more successive calendar days from the due date, it shall be in default. The additional charge for default may be collected at the time of default or at any time thereafter. The charge for default shall be five cents per dollar for each dollar of the regular contract payment. If a borrower desires to defer the scheduled contract payment and the lender agrees it will have the effect of extending the contract for an additional month. The assessment charge for a deferred payment will be one per cent of the actual existing or ledger card balance of the account. This charge will be collected only once for each deferment.

VI. In computing charges a month shall be that period of time from any date in a month to the corresponding date in the next month but if there is no such corresponding date then to the last day of such next month and a day shall be considered one-thirtieth of a month when computation is made for a fraction of a month.

VII. If charges in excess of those permitted by this chapter shall be charged, contracted for or received except as a result of an accidental or bona fide error the contract of loan shall be void and the licensee shall have no right to collect or receive any principal, charges or recompense whatsoever.

Amend paragraph I of RSA 399-A:11 as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

I. Credit life insurance and credit accident and health insurance may be issued in connection with a loan or other credit transaction authorized by this chapter in compliance with the provisions of RSA 408:15 (2) (supp) and the cost of such insurance and any commission, benefit or return to the licensee therefrom shall not be deemed a violation of any provision of this chapter; provided, however, that if there is more than one borrower or obligor on any such loan or credit transaction, such insurance may be issued on only one borrower or obligor.

Amend RSA 399-A:15 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

399-A:15 — Exception. Any person primarily and continuously engaged in the business of making loans in the community to be served by the location for which application for license is made in amounts in excess of three hundred dollars but not more than fifteen hundred dollars from July 1, 1959 until the effective date of this chapter, and who has available for use or actually invested in loans which would have been subject to this chapter had they been made after the effective date of this chapter, or any combination thereof, an amount of capital not less than twenty-five thousand dollars, shall not be required to comply with requirement (b) of the preceding section in order to be entitled to be licensed if application for license is made within sixty days after the effective date of this chapter.

Amend RSA 399-B:2 as inserted by section 9 of the bill by striking out said section and inserting in place thereof the following:

399-B:2 Statement Required. Any person engaged in the business of extending credit shall furnish to each person to whom such credit is extended, concurrently with the consummation of the transaction or agreement to extend credit, a clear statement in writing setting forth the finance charges, expressed in dollars, rate of interest, or monthly rate of charge, or a combination thereof, to be borne by such person in connection with such extension of credit as originally scheduled.

Further amend said bill by renumbering sections 8, 9, and 10 to read 7, 8 and 9.

Senator Dunlap of Hopkinton  
Senator Caron of Manchester  
Conferees of the Senate

Mr. Stevens of Epsom  
Mr. Hancock of Concord  
Mr. Maloomian of Somersworth  
Conferees of the House

On motion of Senator Dunlap, the Senate voted to adopt the report of the Committee of Conference.



On motion of Senator Cheney, the rules were suspended to permit the introduction of a Committee Report not previously advertised in the Journal.

### **Committee Report**

Senator Cheney, for the Committee on Finance:

SB 149, relative to insurance on Police employees.

With the recommendation that the bill be referred to the Legislative Council.

On a *viva voce* vote, the recommendation of the committee was adopted.

On motion of Senator Cheney, the rules were suspended to permit the introduction of a Committee Report not previously advertised in the Journal.

Senator Cheney, for the Committee on Finance:

SB 161, relative to salaries for classified and unclassified state employees. Ought to pass.

On motion of Senator Cleveland, under suspension of the rules, the bill was placed on its third reading and final passage at the present time.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills:

HB 107, relative to certain retired employees in the city of Manchester.

HB 206, relating to the construction of state armories.

HB 420, relative to unemployment compensation.

SB 24, reclassifying certain highways in Rollinsford.

SB 77, relative to bonds for public works.

SB 145, relative to teaching persons to drive.

HB 282, relative to the taxation of boats.

HB 368, relative to sales of liquor and beverages by hotels.

HB 411, relative to appointment of ballot inspectors.

SB 88, to grant tax exemption to national veterans associations.

SB 91, to amend the teachers retirement system.

SB 151, legalizing the annual meeting of the town of Newbury and legalizing the votes and proceedings of the annual school district meeting in the town of Danbury.

SJR 11, in favor of Mrs. Hattie M. Drake.

Marion L. Phillips for the Committee.

### **House Message**

Mr. President:

The House has voted to concur with the Senate in its amendments to the following bills:

HB 477, to redistrict the state into senatorial districts.

HB 449, relative to town office of members of the state soil conservation service.

The Message further stated that the House refuses to concur with the Senate in the adoption of the amendments to the following entitled bill sent down from the Senate:

HB 330, relative to the Concord city charter:

and requests a Committee of Conference; the Speaker has appointed as members of said Committee on the part of the House: Messrs. Quinn, Rufo and York, all of Concord.

On motion of Senator Cleveland, the Senate voted to accede to the request of the House for a Committee of Conference.

Pursuant to the above, the President named as members of the Committee on the part of the Senate, Senators Cleveland and Dunlap.

On motion of Senator Humphreys the rules of the Senate and all bills in order for third reading for 2 o'clock were made in order at the present time.

### **Third Reading and Final Passage of Bills**

HB 432, legalizing the annual town meeting held in the town of Exeter, March 14, 1961.

HB 71, providing a bounty on wolves.

HB 473, relative to the state council on aging.

HB 165, relative to expenditure of state appropriations.

### **Bill Recalled From the Governor**

On motion of Senator Dunlap, the Senate voted to recall the following bill from the Governor:

HB 291, relative to discharging of firearms within towns and cities.

### **Announcement**

Senator Cleveland: "Mr. President, the Judiciary Committee will have its last public hearing on HB 480 tomorrow. I regret that I will be unable to attend as I have to be in Merrimack County superior court, but I would like to take this opportunity to thank this Committee for their courtesy and cooperation. Bills considered by the Senate Judiciary Committee during the 1961 session: 111 bills, 1 HJR, 1 SJR and 1 Concurrent Resolution."

On motion of Senator Cleveland, the Senate recessed until 7:15 P. M., by Division vote of 9 Yes and 7 No.

(Recess)

The Senate reassembled.

### **Committee Reports**

Senator Dunlap, for the Committee on Banks & Insurance:

HB 402, relative to credit unions. Ought to pass, with amendment.

Amend said bill by striking out paragraph 6 and inserting in place thereof the following:

6 Reports. Amend RSA 394:45 by striking out the word "fifteen" in the first line and inserting in place thereof the word, twenty, so that said section as amended shall read as follows: 394:45 Annual. Within twenty days after the last business day of June in each year, every credit union shall make to the commissioner a report in such form as he may prescribe, signed by the president, treasurer and majority of the supervisory com-

mittee, who shall certify and make oath that the report is correct according to their best knowledge and belief.

The amendment was adopted, and the bill was ordered to a third reading.

On motion of Senator Dunlap, under suspension of the rules, the bill was read a third time and passed at the present time.

On motion of Senator Cleveland, the rules were suspended to permit introduction of a Senate Bill.

### **First & Second Reading of Senate Bill**

SB 161, relative to classified and unclassified state employees.

Senator Cleveland: "Mr. President, this bill is a fairly simple bill and apparently, this is what has happened. This bill has to do with the salaries of the bank commissioner and deputy bank commissioner and the new position of assistant bank commissioner which was created in the 1959 session as the result of the Penacook bank situation. When HB 46 and HB 47 were drawn up and went through, for these people, they went back to the 1957 law. Under this law, they are actually ending up with slightly less in salary than they are getting now. There was a mistake when these positions were calculated. This bill would rectify that situation and give these three people wages commensurate with what the other employees are getting. I could have put an amendment on one of these bills that are coming through, but I thought it best, and I think Senator Dunlap agrees with me, that this is a matter that can stand on its own feet. Percentagewise, the amount is no greater than what we have given other unclassified employees. I have told Senator Cheney about this and he has no objection."

Senator Dunlap: "Mr. President, I support the motion. That would be a grave injustice to the employees in this department who have been there for up to 20 years that they not be treated as were the other employees."

O motion of Senator Cleveland, under suspension of the rules, printing of the bill was dispensed with and the bill was referred to the Committee on Finance.

On motion of Senator Lamontagne, the rules were so far suspended as to permit the introduction of a Committee Report not previously advertised in the Journal.

From the Committee on Rules, SJR 13, Joint Resolution to continue the committee on investigation of gasoline and fuel oil prices. Ought to pass with amendment.

Amend the joint resolution by adding at the end thereof the following, and the speaker of the house, the president of the senate and the governor are hereby authorized and empowered to appoint the members of said committee in accordance with the provisions of chapter 353 of the laws of 1957, so that said resolution as amended shall read as follows:

That the committee established under 1957, 353 to study, investigate and examine into the matter of gasoline and fuel oil prices is hereby continued and shall continue its investigation and the speaker of the house, the president of the senate and the governor are hereby authorized and empowered to appoint the members of said committee in accordance with the provisions of chapter 353 of the laws of 1957.

The amendment was adopted, and the resolution as amended was ordered to a third reading.

On motion of Senator Lamontagne, under suspension of the rules, the above SJR 13 was read a third time and passed at the present time.

### House Message

Mr. President:

The House has passed the following entitled bills, in the passage of which it asks the concurrence of the Senate:

HB 468, relative to Souhegan River watershed project.

HB 203, relative to bounties on porcupines.

HB 377, to provide for expansion of the state park system.

HB 439, relating to the conduct of sweepstake races and the sale of tickets thereon.

HB 290, to create a bank advisory board.

HB 70, providing for the training of fire fighters.

HB 45, relative to use of voting machines in the city of Manchester.

HB 484, authorizing the appointment of a consultant to the commissioner of safety.

The Message further stated that the House has passed the following Concurrent Resolution and asks the concurrence of the Senate:

congratulating Governor Wesley Powell on being elected Chairman of the National Governors Conference,

*Whereas*, His Excellency, Wesley Powell, Governor of the State of New Hampshire, has been elected Chairman of the National Governors Conference at its session now being held in Hawaii, and

*Whereas*, This is the first time in history that New Hampshire has been honored by having its governor elected to this high office, and

*Whereas*, This presents a wonderful opportunity for further service, not only to our beautiful state but to our wonderful country, therefore be it

*Resolved* by the House of Representatives, the Senate concurring, that we, the Members of the New Hampshire General Court, extend to Governor Powell our heartiest congratulations on this happy occasion and express to him our appreciation, not only of this honor coming to our state, but of the qualities of character, accomplishments and experience by which he attained this high office, and our best wishes for a continuation of his success, and be it further

*Resolved*, That a copy of these Resolutions be transmitted to His Excellency, Wesley Powell, Governor of the State of New Hampshire.

On a *viva voce* vote, the Senate voted to concur in the adoption of the Concurrent Resolution.

The Message further stated that the House refused to concur with the Senate in the amendments to the following bill sent down from the Senate:

HB 463, to incorporate the inhabitants of the easterly part of Lisbon into a separate town with all the privileges and immunities of other towns in this state.

and requests a Committee of Conference; the Speaker has appointed as members of said Committee on the part of the House: Mrs. DeLude of Unity; Miss Loizeaux of Plymouth, and Mr. Craig of Manchester.

On motion of Senator Drake, the Senate voted to accede to the request of the House for a Committee of Conference.

Pursuant to the above, the President appointed as members of such Committee in the Senate, Senators Drake and McMeekin.

The Message further stated that the House had voted to concur with the Senate in the passage of the following Concurrent Resolution:

Regarding an interim vehicle laws study committee.

The Message further stated that the House has voted to concur with the Senate in its amendments to the following entitled bill:

HB 465, establishing marriage counseling service.

### **Read and Referred**

The following entitled bills were read a first and second time:

HB 468, relative to Souhegan River watershed project.

On motion of Senator Monahan, under suspension of the rules, referral to Committee was dispensed with and the bill was read a third time and passed at the present time.

HB 230, relative to bounties on porcupines.

On motion of Senator Drake, under suspension of the rules, referral to Committee was dispensed with and the bill was read a third time and passed at the present time.

HB 290, to create a bank advisory board.

On motion of Senator Dunlap, under suspension of the rules, referral to Committee was dispensed with and the bill was read a third time and passed at the present time.

HB 484, authorizing the appointment of a consultant to the commissioner of safety.



On motion of Senator Cleveland, under suspension of the rules, referral to Committee was dispensed with and the bill was read a third time and passed at the present time.

The following entitled bills were read a first and second time and referred to Committee on Finance:

HB 377, to provide for expansion of the state park system.

HB 70, providing for the training of fire fighters.

HB 45, relative to use of voting machines in the city of Manchester.

HB 439, relating to the conduct of sweepstake races and the sale of tickets thereon.

The above bill having been received from the House, the President laid the bill back on the table.

### **House Message**

Mr. President:

The House has voted to adopt the recommendations of the Committee of Conference on:

HB 63, providing for the taking of deer.

The House has voted to refer to the Legislative Council the following entitled bill:

SB 109, to provide full pay for employees of the state police incapacitated in line of duty subject to certain conditions.

### **Committee Report**

Senator Holmes, under suspension of the rules, introduced a Committee Report not previously advertised in the Journal.

Committee on Ways & Means:

HB 482, relative to Charter Commission in the City of Nashua. Ought to pass with amendment.

Amend said bill by striking out sections 2 and 3 thereof and inserting in place therefor the following:

2 Periodic Revision of Charter. Amend Chapter 427, Laws of 1913, Part I by inserting after section 111 a new section as follows:

Sec. 111-a Charter Commission. A charter commission may be created by vote of the mayor and aldermen. Said commission shall consist of the mayor, three members of the board of aldermen of the city of Nashua, two to be appointed by the president of the board, and one to be chosen by the board of aldermen, three members of the Nashua delegation to the General Court to be appointed by the chairman of the delegation, and three residents of the city of Nashua, one of whom shall be appointed by the mayor, one by the president of the board of aldermen, and one by the chairman of the Nashua delegation to the General Court.

Each charter commission is hereby authorized to review and revise the charter of the city of Nashua and to submit its recommendations to the Nashua delegation to the General Court during the first legislative week of the regular session of the General Court next following the creation of the charter commission.

Each charter commission shall be discharged of its rights, responsibilities and functions at the same time that the General Court to which it submits its recommendations is prorogued.

All city departments and officials are hereby authorized and directed to cooperate with and assist each charter commission, said cooperation and assistance to include but not be limited to the production and use of documents and records related to their respective offices and departments.

On a *viva voce* vote, the amendment was adopted and the bill as amended was ordered to a third reading.

On motion of the same Senator, under suspension of the rules, the bill was placed on its third reading and final passage at the present time.

### Committee of Conference

The Committee of Conference, to whom was referred House Bill No. 63, An Act providing for the taking of deer, having considered the same, report the same with the following recommendation:

That the House recede from its position of non-concurrence, that the Senate recede from its position in adopting its

amendment, and that the Senate and House adopt the following amendment:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Wild Deer. Amend RSA 208:2 (supp), as amended by 1955, 264:1, by striking out in the third, fourth and fifth lines the words "In the counties of Grafton, Coos and Carroll from November first to November thirtieth and in all other counties of the state from December first to December twenty-first" and inserting in place thereof, November first through November thirtieth inclusive northerly of a line described as follows: Beginning at a point on the Connecticut River one and one-half miles north, twelve degrees east of the bench mark at Haverhill and thence south, eighty degrees east true bearing to a point on the Appalachian Trail Way in Kinsman's Notch, thence northeasterly along said Appalachian Trail Way crossing U. S. Route 3 in Franconia Notch and continuing along said Appalachian Trail Way in a north and easterly direction crossing U. S. Route 302 at Crawford Notch State Park, thence continuing along said Appalachian Trail Way in a northeasterly direction to the summit of Mt. Washington, thence southerly along the Davis Path to the Glen Boulder Trail, and thence south and easterly along the Glen Boulder Trail to the Glen Ellis Falls and thence southerly along the Ellis River to the Coos-Carroll County line, and thence easterly along said county line to the State of Maine; and from December first through December twenty-first inclusive southerly of the above described line, so that said section as amended shall read as follows:

208:2 Taking, Time. Wild deer, outside game preserves, may be hunted and taken from one-half hour before sunrise to one-half hour after sunset, from November first through November thirtieth inclusive northerly of a line described as follows: Beginning at a point on the Connecticut River one and one-half miles north, twelve degree east of the bench mark at Haverhill and thence south, eighty degrees east true bearing to a point on the Appalachian Trail Way in Kinsman's Notch, thence northeasterly along said Appalachian Trail Way crossing U. S. Route 3 in Franconia Notch and continuing along said Appalachian Trail Way in a north and easterly direction crossing U. S. Route 302 at Crawford Notch State Park, thence

continuing along said Appalachian Trail Way in a northeasterly direction to the summit of Mt. Washington, thence southerly along the Davis Patch to the Glen Boulder Trail, thence south and easterly along the Glen Boulder Trail to the Glen Ellis Falls, thence southerly along the Ellis River to the Coos-Carroll County line and thence easterly along said county line to the State of Maine; and from December first through December twenty-first inclusive southerly of the above described line, except that no deer shall be hunted or taken at any time on any island or in any waters in lakes and ponds.

2 Takes Effect. This act shall take effect October 1, 1961.

Arthur M. Drake

Mary W. Caron

Conferees on the Part of the Senate

John Pillsbury

James Purington

Conferees on the Part of the House

On motion of Senator Drake, the Senate voted to adopt the report of the Committee of Conference.

### Announcement

The President: "I very much appreciate the cooperation of the members of the Senate. Being somewhat of a novice, I have certainly needed it."

On motion of Senator Drake, the Senate adjourned from the morning session.

On motion of Senator Provost, the Senate adjourned at 8:35 P.M.

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FRIDAY, JUNE 30, 1961

The Senate met according to adjournment.

Senator Green introduced the following Resolution which was unanimously adopted:

### Resolution

*Whereas*, One of the most unnoticed committees of the Senate has made possible our final adjournment at this early hour, and

*Whereas*, By their diligent and untiring efforts our labors became law in fact, therefore be it

*Resolved*, That the present members of the Engrossing Committee, Senator Monahan of Hanover, Senator Phillips of Claremont, and Senator Provost of Manchester be tendered a rising vote of thanks and that a copy of these Resolutions be transmitted to each of the committee by the Clerk of the Senate.

### Announcement

"The Chair will have the duty of making the following appointments for the interim.

"Those interested, kindly advise me.

1 to the Bank Advisory Board.

3 to the Legislative Council.

3 to Education study.

2 to Economic Survey.

3 Gasoline and fuel oil investigation committee.

1 to State Appropriations (must be a member of the Finance Committee. The Chairman of said committee is a member ex officio).

1 study of sewage disposal.

1 Concurrent Resolution, relative to the Profile. (Senator Drake has already been named).

1 Study of salaries of state employees.

1 relative to mufflers.

3 on Uniform Vehicle Code.

1 State Council on the Problems of the Aging.

### Committee Reports

Senator Dunlap, for the Committee on Banks & Insurance:

HB 209, to clarify and make more uniform the laws relating to banking and to make certain technical amendments thereto. Ought to pass.

Senator Dunlap: "Mr. President, this bill, introduced by Mr. Newell, would do some housekeeping jobs for the banking statutes. The changes have to do with the investment committee officers and their ability to serve the bank. The investment committee must pass on all investments made by the bank. It provides that the investment committee shall be made up of not less than three members. Also provides that the loans made to officers and others may be made only upon unanimous approval in writing of the members of the board of trustees. It provides that the treasurers of the institutions shall make reports to the bank examiner and I think that in substance is the bill."

The bill was ordered to a third reading.

On motion of Senator Dunlap, under suspension of the rules, the bill was read a third time and passed at the present time.

Senator Humphreys, for the Committee on Executive Dept., Municipal & County Government:

HB 182, to increase the parliamentary rights of the mayor of Nashua. Inexpedient to legislate.

Senator Battles: "Mr. President, there was considerable disagreement on this bill as to whether or not the Mayor should have the right to appear before his Council and explain and talk on bills. It was the opinion of the Committee that he should not have this right. He may speak publicly, but not go into the Council and speak on measures that were before them."

Question being on the adoption of the recommendation of the Committee.

On this question, Senator Battles demanded a Roll Call.

The Clerk proceeded to call the Roll.

The following named Senators voted in the affirmative: Lamontagne, Drake, McMeekin, Sawyer, Monahan, Gardner, Phillips, Dunlap, Eaton, English, Holmes, Bunten, Daniel and Battles.

The following Senator voted in the negative: Paquette.

Fourteen Senators having voted in the affirmative, and one Senator having voted in the negative, the affirmative prevailed, and the recommendation of the Committee was adopted.

On motion of Senator English, the rules were suspended to permit the introduction of a Committee Report not previously advertised in the Journal.

Senator Phillips, for the Committee on Judiciary: HB 480, relative to election of representatives to the general court. Ought to pass.

Senator English: "Mr. President, the Senate Judiciary Committee considered this bill which has to do with the number of Representatives under reapportionment of the House. There are amendments not offered by the Committee, but offered from the House. The Committee has gone over these, and they are mostly technical and are no change in the intent. This bill apparently had the overwhelming support of the House."

Senator Phillips: "Mr. President, while I am in accord with the Committee's Report because I realize that figures do not lie, I do wish to be recorded that as the Senator from the 8th District, from the city of Claremont, I am very much opposed because Claremont lost one Representative. We have had a 3% increase in our population but because of change from one ward to another, we do lose one Representative from Ward 1. I think if the census bureau could have given us more notice on these figures — when we discovered it, it was too late to do anything about it."

Senator Dunlap: "Mr. President, one of the prominent members of the House, Mr. Rufo, has brought to my attention that Merrimack County loses five seats and we wonder if anything can be done to save same. Probably not, but it leads me to think that perhaps I should inquire as to whether this reapportionment is mandatory as of a certain date. Do you put a thing like this off until we are certain, I would ask of anybody on the Committee."

Senator English: "The constitution provides that the federal census shall be the basis for reapportionment and whether or not the census is right or wrong, we must accept it. This



federal census is made every 10 years and will remain the figures until a new federal census is made."

Senator Dunlap: "Then to harbor any notion that we might hold this thing up for two years is out of the question?"

Senator English: "This is pretty much the case and would serve no purpose."

The bill being on its second reading, was open to amendment.

Senator Bunten offered the following amendment; and spoke in support:

Amend section 1 of said bill by inserting in the paragraph for one representative the word, Chichester.

Amend section 2 of the bill in Merrimack County by striking out the word and figures "Canterbury 1962, 1964, 1968, 1970" and inserting in place thereof the word and figures, Canterbury 1962, 1966, 1968, 1970; further amend said section by striking out the word and figures "Chichester 1962, 1966, 1968, 1970".

Senator English: "This question of Chichester and Canterbury — they are indeed short one vote. Again, this is a mechanical bill. However, on the first two years, membership would be illegal in the House which is set at 400 members."

Senator McMeekin spoke in opposition to the amendment: "As Senator English has said, this is precise calculation. The Constitution says that this shall be made, in accordance with the federal bureau of the census figures, then it is unconstitutional to try to give them a place. It is true that Chichester lacks one. Rumney lacks two, but in the case of Canterbury, there are nearly 200 lacking in number for one Representative. There must be a break-down somewhere."

Senator Dunlap inquired: "Is there any legal basis for reconsidering that this figure in Canterbury might be a mistake?"

Senator McMeekin: "No. The Constitution says that we accept the figures of the federal census."

On a *viva voce* vote, the negative prevailed, and the amendment was not adopted.

Senator Humphreys inquired of Senator McMeekin: "Can you explain under the provisions of the Constitution, the provision that allows the Legislature to eliminate military personnel and where?"

Senator McMeekin: "The military personnel at Pease Air Base, college students at Hanover and military personnel at Grenier field."

Senator Humphreys: "In eliminating the military personnel, what military personnel was eliminated? All attached at Grenier and Pease?"

Senator McMeekin: "According to the law based on SB 13, Planning & Development had to submit figures which they had obtained from the federal bureau of the census. That was done."

Senator Humphreys: "Then you do not know what personnel was eliminated, whether it was all attached to the base?"

Senator McMeekin: "No. We did as was provided. We accepted the figures from Planning & Development that were received from the federal bureau of the census."

Senator Humphreys: "Do you know how the military personnel was eliminated?"

Senator McMeekin: "The question was on non residents."

Senator Humphreys: "It is pretty obvious that the federal census bureau would have no way of determining who were residents and who were not. I realize that I can do nothing here, but I do want to say that I think the Constitutional authority given to make this reapportionment has not been carried out in this case. Therefore, I believe that this bill is unfair and not constitutional. I would expect the matter is not closed and I think the city of Portsmouth will probably take action and appeal to the supreme court."

(Discussion ensued)

On a *viva voce* vote, the bill was ordered to a third reading.

On motion of Senator Drake, under suspension of the rules, the bill was read a third time and passed at the present time.

Senator Cheney, for the Committee on Finance:

HB 419, relative to the salaries of registers and deputy registers of probate. Ought to pass with amendment.

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Salaries of Deputy Registers of Probate. Amend RSA 548:19 (supp) as amended by Laws of 1957, 44:1, 279:1 by striking out said section and inserting in place thereof the following: 548:19 Salaries. The annual salaries of the deputy registers of probate in the several counties shall be paid by the state and shall be as follows:

	Minimum	Maximum
For Rockingham county	\$3777	\$4257
For Strafford county	3472.50	3952.50
For Belknap county	2769	3249
For Carroll county	2769	3249
For Merrimack county	3777	4257
For Hillsborough county	4029	4509
For Cheshire county	2769	3249
For Sullivan county	2769	3249
For Grafton county	3472.50	3952.50
For Coos county	2769	3249

On motion of Senator Cheney, under suspension of the rules, the reading of the amendment was dispensed with.

Senator Cheney: "Mr. President, this puts the deputy registers of probate on the same formula as was given others. 5% plus 312."

The amendment was adopted, and the bill as amended was ordered to a third reading.

On motion of Senator Cheney, under suspension of the rules, the bill was read a third time and passed at the present time.

On motion of Senator Cheney, the rules were suspended to permit the introduction of a Committee Report not previously advertised in the Journal.

Senator Cheney, for the Committee on Finance:

HB 70, providing for the training of fire fighters. Ought to pass.

Senator Cheney: "Mr. President, we had a hearing on this bill this morning. The Committee voted that the bill ought to pass."

Senator Gardner: "Mr. President, I think that is a good idea. We cannot have too many schools."

Senator Humphreys: "Mr. President, I have never been opposed to this bill. I simply wanted to have it considered by the Finance Committee."

The bill was ordered to a third reading.

On motion of Senator Drake, under suspension of the rules, the bill was read a third time and passed at the present time.

### **Engrossed Bills**

Senator Monahan, for the Committee on Engrossed Bills:

HB 353, relative to the election of members of Union School District. Report under Joint Rule No. 6 with the following amendment:

Amend section 5 of said bill by striking out the words "and election" in the fourth line and inserting in place thereof the words, said declaration

Amend section 6 of said bill by inserting at the end thereof the words, The district treasurer may be a regular employee of the district, but the clerk may not be an employee of the district

On motion of Senator Monahan, the Senate voted to concur in the adoption of the amendment.

Senator Eaton presiding.

### **House Message**

Mr. President:

The House has voted to concur with the Senate in the passage of the following entitled bill, sent down from the Senate:

SB 157, to create the Littleton Parking District.

The Message further stated that the House has passed the following Concurrent Resolution in the passage of which it asks the concurrence of the Senate:

*Whereas*, this General Court has been efficiently served by Rev. George J. W. Pennington as chaplain, and

*Whereas*, he has offered prayers at the beginning of the daily sessions, therefore be it

*Resolved*, by the House of Representatives, the Senate concurring

*That* we express to him our gratitude and appreciation of his services and his understanding of our problems, his courtesy to guest chaplains, and for his supplications in our behalf that have caused us to search our souls and to act in a manner to give due consideration to the people we are here to represent.

On a *viva voce* vote, the above Concurrent Resolution was unanimously adopted.

The Message further stated that the House has passed the following Concurrent Resolution, in the passage of which it asks the concurrence of the Senate:

Relative to Legislative Printing.

*Resolved*, by the house of representatives, the senate concurring, That the general court be authorized to make its own contract in regard to printing which will allow the speaker of the house and the president of the senate to negotiate said contract, and to appoint whatever committees may be necessary to look into legislative printing.

On a *viva voce* vote, the above Concurrent Resolution was adopted.

The Message further stated that the House has voted to concur with the Senate in its amendments to the following entitled bill:

HB 482, to revise the charter of the city of Nashua.

The Message further stated that the House has voted to adopt the amendments offered by the Committee on Engrossed Bills to the following Senate Bill, in the adoption of which amendments the House asks the concurrence of the Senate:

SB 143, extending the time when expenditures can be made from certain aeronautical appropriations.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1 Time Extended. Amend 1957, 319:2, as amended by 1959, 73:1 by striking out the figure "1961" in the last line and inserting in place thereof the figure, 1963, so that said section as amended shall read as follows:

On motion of Senator Monahan, the Senate voted to concur in adoption of the amendment.

The President presiding.

The Message further stated that the House has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bill, in the adoption of which amendment the House asks the concurrence of the Senate:

HB 430, relative to use of municipal bonds proceeds, and relative to primary elections in city of Manchester.

Amend the title of said bill by inserting at the end thereof the words,

and relative to primary election in the city of Manchester.

On motion of Senator Monahan, the Senate voted to concur in adoption of the amendment.

The Message further stated that the House has voted to adopt the amendment offered by the Committee on Engrossed Bills, to the following House Bill, in the adoption of which amendment the House asks the concurrence of the Senate:

HB 178, to prohibit discrimination in places of public accommodation.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1 Places of Public Accommodation. Amend RSA 354:1 by striking out said section and inserting in place thereof the following:

On motion of Senator Monahan, the Senate voted to concur in adoption of the amendment.

### Resolutions

Senator Cheney offered the following Resolution, which was unanimously adopted:

*Whereas*, Senator Nathan T. Battles, Senator from the Twenty-third District, has served as Majority Floor Leader of the 1961 Senate, and

*Whereas*, throughout our deliberations he has shown a very cooperative spirit in working for good legislation and the betterment of the state, and

*Whereas*, Senator Battles has shown to all members of the Senate great courtesy and kindness in the daily performance of his duties, therefore be it

*Resolved*, by the members of the New Hampshire Senate in General Court convened, that we hereby express to him our appreciation for the wisdom, the dedication and the faithfulness he has shown during the deliberations of the Senate, and be it further

*Resolved*, That a copy of these resolutions be transmitted to Senator Battles.

Senator Caron offered the following Resolution, which was unanimously adopted:

*Whereas*, Senator Cecil Charles Humphreys, Senator from the Twenty-fourth District, has served as Assistant Majority Floor Leader of the 1961 Senate, and

*Whereas*, throughout our deliberations he has shown a very cooperative spirit in working for good legislation and the betterment of the state, and

*Whereas*, Senator Humphreys has shown to all members of the Senate great courtesy and kindness in the daily performance of his duties, therefore be it

*Resolved*, by the members of the New Hampshire Senate in General Court convened, that we hereby express to him our appreciation for the wisdom, the dedication and the faithfulness he has shown during the deliberations of the Senate, and be it further

*Resolved*, That a copy of these resolutions be transmitted to Senator Humphreys.



Senator Humphreys offered the following Resolution, which was unanimously adopted:

*Whereas*, Senator Lucien E. Bergeron, Senator from the Twentieth District, has served as Assistant Minority Floor Leader for the Democratic Party of the 1961 Senate, and

*Whereas*, throughout our deliberations he has shown a very cooperative spirit in working for good legislation and the betterment of the state, and

*Whereas*, Senator Bergeron has shown to all members of the Senate great courtesy and kindness in the daily performance of his duties, therefore be it

*Resolved*, by the members of the New Hampshire Senate in General Court convened, that we hereby express to him our appreciation for the wisdom, the dedication and the faithfulness he has shown during the deliberations of the Senate, and be it further

*Resolved*, That a copy of these resolutions be transmitted to Senator Bergeron.

Senator Battles offered the following Resolution, which was unanimously adopted:

*Whereas*, Senator Marye Walsh Caron, Senator from the Seventeenth District, has served as Minority Floor Leader for the Democratic Party of the 1961 Senate, and

*Whereas*, throughout our deliberations she has shown a very cooperative spirit in working for good legislation and the betterment of the state, and

*Whereas*, Senator Caron has shown to all members of the Senate great courtesy and kindness in the daily performance of her duties, therefore be it

*Resolved*, by the members of the New Hampshire Senate in General Court convened, that we hereby express to her our appreciation for the wisdom, the dedication and the faithfulness she has shown during the deliberations of the Senate, and be it further

*Resolved*, That a copy of these resolutions be transmitted to Senator Caron.

Senator Battles, on behalf of the entire Senate, offered the following Resolution, was unanimously adopted:

*Whereas*, President Samuel Green, duly elected Senator from the Sixteenth District, has at all times been amiable to all members and gallant to the women of this Senate, and

*Whereas*, he has always conducted the business of this Senate in a fair and open-minded manner, therefore be it

*Resolved*, That we, the members of the Senate, wish to extend to our illustrious President, our admiration for his very efficient service and our heartfelt thanks and appreciation for his cooperation, and be it further

*Resolved*, That a copy of these resolutions be transmitted by the Clerk to President Green.

Senator Caron offered the following Resolution, which was unanimously adopted:

*Whereas*, Senator Charles H. Cheney, Sr., Senator from the Fifteenth District, has served as Chairman of the Finance Committee of the 1961 Senate, and

*Whereas*, Throughout our deliberations he has shown a great dedication to his duties and has not spared himself in any manner in performing his Senatorial duties, therefore be it

*Resolved*, By the members of the New Hampshire Senate in General Court convened, that we hereby express to him our appreciation for his dedication and faithfulness shown during this Session, and be it further

*Resolved*, That a copy of these Resolutions be transmitted to Senator Cheney.

The President recognized Senator Eaton: "Mr. President, I would also like to add at this time my compliments to the Clerk, our Clerk of long standing, and to our Senate Counsel. I would like to have on the record that everybody here realizes the excellent job that has been done here during the session. They have attended to their many duties with loyalty and their cooperation has been most helpful. I can think of no other persons who could fill the jobs as they have done."

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled Senate Bills, House Bills, and Senate Joint Resolution:

HB 108, relative to the town of Hampton Municipal Development Authority.

HB 199, relative to the salaries of mayor and councilmen of the city of Franklin.

HB 241, relative to life, accident, medical, surgical and hospitalization insurance benefits for employees of the city of Claremont and their dependents.

HB 393, relative to assessments by insurance firms.

HB 75, providing a retirement system for employees of the city of Berlin.

SB 33, relating to fraternal benefit societies.

SB 154, legalizing the proceedings of the annual school district meeting of Kensington, held March 11, 1961 and adjournment to May 20, 1961 and authorizing a bond issue accordingly.

SB 53, to correct the reference in the statutes to the state department of health laboratory.

SB 128, relating to fire prevention in nursing homes.

HB 71, providing for a bounty on wolves.

HB 203, relative to bounties for porcupines.

SB 150, relative to the financing of the Lebanon Regional Airport and the contributions towards financing the same.

SB 72, providing for the election of county commissioners for the county districts of Merrimack County.

Robert S. Monahan  
For the Committee

### House Message

Mr. President:

The House of Representatives has passed the following joint resolution, in the passage of which it asks the concurrence of the Senate:

HJR 46, providing for a study of the criminal law of the state.

The Clerk read the joint resolution at the request of the Chair.

Senator Lamontagne moved that the joint rules be suspended to permit the introduction of the joint resolution.

The President stated that a two-thirds vote would be required to suspend the rules.

On this question, Senator Battles requested a Division vote.

Fourteen Senators having voted in the affirmative, and 1 Senator having voted in the negative, the two-thirds vote was apparent and the joint rules were suspended.

### Read and Referred

The foregoing Joint resolution was read a first and second time and referred to Committee on Judiciary.

### Committee Report

Senator Monahan, for the Committee on Engrossed Bills:

HB 486, relative to the Souhegan River Watershed project. Report the same under Joint Rule No. 6 with the following amendment:

Amend the title of the bill by striking out the same and inserting in place thereof the following:

An Act relative to jointly sponsored soil conservation districts projects.

On motion of Senator Monahan, the Senate voted to concur in the adoption of the amendment.

Senator Battles offered the following Concurrent Resolution and moved its adoption:

*Be it Resolved* by the Senate, the House of Representatives concurring;

*That* the president of the Senate and the speaker of the House, relative to the members of their respective bodies may during the interim while the General Court is not in session in the same manner and with the same force and effect as if the General Court was in session, for any legislative purpose accept resignations of any member, fill vacancies in any com-

mittee, call upon and convene any committee for consultation, investigation or advice, employ all clerical or professional assistance necessary to assist or advise him or them, make use of and take over any rooms or facilities in the State House.

(Discussion ensued)

Senator Dunlap inquired: "Does this set the wheels in motion to remove the drafting service from the attorney general's office?"

The President: "It will set it in motion, but we are not taking it away. You will remember the rule that we adopted in here that after the election, the Senate Counsel will start working. As far as the drafting service being taken away from the attorney general's office, that is a part of the statutes that will have to be amended."

Senator Dunlap: "Mr. President, I speak reluctantly. I agree that the Senate Counsel has done an excellent job. I also have a great regard for the drafting of bills that has been done in the attorney general's office. Miss Alexander in that office has done a good job. I agree with the Resolution whereby the Senate Counsel can be set to work after the election. That is fine. But I think if this is an underhanded method of shifting the drafting service, I would oppose it only on that basis."

The President: "I hold Miss Alexander in high regard. I would not be a party to any high handed action to anybody if it came to my knowledge. As far as I am concerned, this is no underhanded way of doing. That can only be done by amending the statutes."

On a *viva voce* vote, the above Concurrent Resolution was unanimously adopted.

The President declared a Recess, subject to call of the Chair, until 2:30 P.M.

(Recess)

The Senate reassembled.

Senator Eaton presiding.

On motion of Senator Battles, the rules were suspended to permit the introduction of a Committee Report not previously advertised in the Journal.

Senator Dunnington, for the Committee on Public Works:

HB 14, relative to disposal of papers belonging to the department of public works and highways. Ought to pass with amendment.

Amend by striking out section 1 of the bill and inserting in place thereof the following section:

1 Wholesaler's Permit. Amend RSA 181:9 by inserting at the end thereof the following: "and to reconstitute for the purposes of this section concentrated beverages under such rules and regulations as may be promulgated by the Liquor Commission to provide for the collection of taxes on beverages as provided by this chapter" so that said section as amended shall read as follows:

RSA 181:9 Wholesaler's Permit. Wholesaler's permits shall authorize the permittee to sell beverages in barrels, bottles, or other closed containers to other permittees for resale only, and to reconstitute for the purposes of this section concentrated beverages under such rules and regulations as may be promulgated by the Liquor Commission to provide for the collection of taxes on beverages as provided by this chapter.

2 Amend RSA 181:8 by inserting at the end thereof the following: "Provided, however, that the manufacture of beverages authorized by this section shall not include the reconstitution of concentrated beverages," so that said section as amended shall read as follows: RSA 181:8 Manufacturer's Permits. Manufacturer's permits shall authorize the permittee to manufacture beverages and to sell the same in barrels, bottles, or other closed containers to other permittees for resale only, and to transport the same to the state boundary. Provided, however, that the manufacture of beverages authorized by this section shall not include the reconstitution of concentrated beverages.

Further amend the bill by renumbering section 2 to read section 3.

Further amend the title of the bill by striking out the same and inserting in place thereof the following: An Act relative to manufacturers and wholesalers permit.

The amendment was adopted, and the bill as amended was ordered to a third reading.

On motion of Senator Green, under suspension of the rules, the bill was read a third time and passed at the present time.

The President presiding.

### **House Message**

Mr. President:

The House has voted to concur with the Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

HB 468, relative to jointly sponsored soil conservation districts.

HB 353, relative to the election of the members of the Union School District in Concord.

HJR 45, relative to temporary and seasonal employees and providing salary increases for certain state employees.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills & Senate Joint Resolution:

SB 140, relative to trespassing on uncultivated land.

SB 158, relative to the military staff of the Governor.

SB 119, relative to medical assistance for the aged.

SJR 12, to pay certain judgments against the state of New Hampshire.

HB 346, establishing a department of resources and economic development, merging therein planning and development, forestry, recreation and transferring thereto for limited purposes the water resources board and the New Hampshire State Port Authority.

Robert S. Monahan  
For the Committee

On motion of Senator Battles, the rules were suspended to permit introduction of a Committee Report not previously advertised in the Journal.



Senator Battles, for the Committee on Resources, Recreation & Development:

HB 89, relative to standards of classification of surface waters of the state. Recommend that the bill be referred to the Legislative Council.

Senator Battles spoke in support: "Mr. President, because we have two different engineering reports from two different engineering companies that are completely in disagreement, there is a possibility that we might put a town out of business, and also a company; perhaps the Franconia Paper Company. It would cost them about two million dollars which they cannot absorb. The reason I am asking for this committee report in now is to dispose of it and refer to the Legislative Council for further study on the matter."

Senator Drake spoke in support of the committee recommendation. "I believe that this solution is going to have to be resolved, but in 1959, after public hearings, this Legislature passed a bill pertaining to this subject. It was agreed that there would be a cleaning up of the river and the company has been doing something toward it. I don't think the plans are complete enough at this time to force them to spend this money. I don't think that there is any doubt but what we are going to have the cleaning up of the river, but I do think we should give them time to do. I think the ten year agreement, as of last session, should be followed. . . ."

Senator Monahan thanked Senator Battles for bringing the bill out of committee and moved that the words, Ought to Pass, be substituted for the recommendation of the Committee to refer the bill to the Legislative Council and spoke in support:

"Mr. President: I move the words 'Ought to Pass' be substituted for 'reference to Legislative Council' in the Resources Committee report on the bill relative to standards for classification of our surface waters.

"Sections 1 and 3 of HB 89, as amended in the House, have not provoked discussion because they merely serve to improve the language of existing statutes relating to water pollution and aquatic nuisance control. Section 2, however, has been the subject of several lengthy hearings in both the House and Senate.

"Because several Senators have asked me to explain this section and because I intend to demand a roll call on this question, it will be described in some detail.

"The sole purpose of Section 2 is to eliminate any doubts concerning the necessity for providing a minimum amount of treatment for sewage and industrial wastes prior to discharge into the surface waters of the State. Testimony presented at the hearings indicated that sedimentation or primary treatment has been the minimum acceptable effort since the Water Pollution Commission began operating some fourteen years ago. No dispute or disagreement concerning this understanding arose until after the classification of the Pemigewasset River in the 1959 session.

"It should be recalled that in this instance special consideration was granted to the communities and industry in this valley in the form of a ten year compliance period and even then under the lowest classification possible — Class D waters. These concessions have not been extended to any other communities in the State which have been similarly faced with the problem of pollution control except the notorious Ammonoosuc case. Because of the definition of the D classification, the Town of Plymouth, or more properly the Plymouth Village Fire District which operates the sewer system in the community, contended that no treatment whatever is necessary. This view precipitated the introduction of House Bill 89 by the member from New Hampton, Mr. Urie.

"The purpose of the bill, therefore, is to clarify any misunderstanding concerning the need to undertake a minimum effort in the way of stream cleanup. This is only fair and equitable when we realize that many cities, towns and industries elsewhere in the State have cooperated in the construction of treatment facilities.

"Unless we can move forward in this matter by cleaning up our upstream areas, we cannot reasonably expect that the downstream areas will be willing to do likewise.

"It is important to point out that this very policy of minimum treatment by means of sedimentation has always been in effect with regard to unclassified streams which are fully under the jurisdiction of the Commission. Several new industries have come into the State on this basis and have not only been willing but have fully expected to install treatment plants.

"Now, as to what should constitute minimum treatment, the Water Pollution Commission maintains that sedimentation of sewage is the least degree of treatment which will produce a worthwhile result. Industrial wastes, the Commission indicates, should receive a corresponding level of treatment, depending upon the nature and type of waste involved.

"Professor Thomas R. Camp of Camp, Dresser and McKee, Consulting Engineers, Boston, Mass., consultants for the town of Lincoln, are in disagreement with this approach. He suggests that screening or chlorination could be used in D waters. These methods are less expensive, but it is important to bear in mind that neither of his systems would qualify for Federal or State grants because they are considered as being ineffective by the U. S. Public Health Service, which is the Federal water pollution control agency. It is highly significant, also, that the great majority of states and other qualified consulting engineers are in agreement with the Commission rather than with Professor Camp concerning what properly constitutes a minimum treatment policy. He seems to stand alone in recommending screening or chlorination as a minimum form of treatment.

"We are all familiar with the fact that until Federal and State grants became available for the construction of pollution control facilities, the cleaning up of our surface waters was slow. If we adopt Professor Camp's suggestions, State and Federal aid would be lost with the inevitable result that the entire program would be seriously retarded. His theories have been fully explored by his associates, both at State and Federal levels, and have been rejected. We cannot ignore informed opinion of this kind.

"During the course of the House hearings, Commission representatives along with representatives from industry and members of the House Resources, Recreation and Development Committee met several times to iron out their differences concerning the language of Section 2. The outcome of these efforts has resulted in language revisions which permit complete flexibility. Communities or industry will still employ their engineer consultants to devise the most economical system of disposal to meet the needs of the particular stream classification.

"If the Commission feels modifications are desirable, these will be arrived at by means of discussion and conference — not by arbitrary action. The Commission has an outstanding record of cooperation and assistance to both municipalities and industry. They have consistently been alert to the application of new and more economical methods of waste disposal and time after time have sponsored legislation which would be to the ultimate benefit of industry and the communities of the State. Furthermore, there has not been one single instance where they have taken action which has resulted in industry leaving the State. On the contrary, the Commission has been most sympathetic in its approach and is completely aware of the need to adjust the program to the capacity of our people to meet the financial obligations involved.

"Without exception, those opposed to the bill have expressed complete confidence in the Commission and its staff and there is no basis for any fear that its policy will become arbitrary or capricious in the future. In any event, the law itself provides complete protection for affected parties. If they feel that the Commission is unreasonable in its requirements, full opportunity for court review is available to them. It is of interest to note that on only two occasions has this happened (Goffstown and Plymouth) and the courts have upheld Commission policy in both instances.

"In summary, the ten-year period and D classification adopted for the Pemigewasset River two years ago is not being disturbed in any way whatsoever. It is merely a case of reaffirming long-standing and State-wide policy which calls for a reasonable amount of minimum treatment. This policy is based upon the long study and experience of the water pollution control problem by the best minds in the business. Anything less than passage of this bill would mean a set-back in the pollution control program which has developed as a result of dedicated work over the last fourteen years.

"Perhaps this is the reason why N. H. units of the League of Women Voters, as well as the State Federation of Women's Clubs, and similar groups actively support the intent of this bill.

"Mr. President: I hope the Senate will now adopt the pending substitute 'Ought to Pass' motion."

(Discussion ensued)

Senator Lamontagne spoke against the motion to substitute and in support of committee report.

Senator Daniel spoke in support of motion to substitute.

Senator Battles moved the previous question. Seconded by Senator Caron.

On a *viva voce* vote, the affirmative carried.

Question now being on motion to substitute and on this motion, Senator Monahan demanded a Roll Call.

The Clerk proceeded to call the Roll.

### Roll Call

The following named Senators voted in the affirmative: Sawyer, Monahan, Gardner, Cleveland, English, Paquette and Caron.

The following named Senators voted in the negative: Lamontagne, Drake, McMeekin, Phillips, Dunlap, Eaton, Holmes, Bunten, Cheney, Provost, Daniel, Bergeron, Dunnington, Buckley, Battles.

Seven Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the negative prevailed, and the motion to substitute was lost.

Question now being on recommendation of the committee.

On a *viva voce* vote, the recommendation of the committee was adopted, and the bill was referred to the Legislative Council.

The President recognized Senator Gardner: "Mr. President, I believe that it is vitally necessary to clean up our waters. However, I am in complete sympathy with the Franconia Paper Company.

"In my estimation Mr. Waldo is one of the fairest men I have ever served on a committee with.

"The people in my area have requested that I support HB 89. I have done so. They believe it would be helpful to us.

"However, I can see the economic hazard to the town of Lincoln and surrounding towns. This company has furnished steady employment to the employees in spite of serious competition from Southern paper mills.

"So long as there is such strong sentiment in this Senate for referral to legislative council and with so many diversified opinions I think they have acted wisely in doing this. There it will receive further study."

On motion of Senator Cheney, the rules were suspended to permit introduction of a Committee Report not previously advertised in the Journal.

Senator Cheney, for the Committee on Finance:

HB 483, making appropriations for capital improvements, long term repairs and deferred maintenance for the state of New Hampshire. Ought to pass with amendments.

Amend paragraph 1 of section 1 of the bill by striking out the words "two million nine hundred forty five thousand nine hundred twenty-seven dollars" and inserting in place thereof the words, two million nine hundred forty-nine thousand nine hundred twenty-seven dollars, so that said paragraph as amended shall read as follows:

1 Appropriation. The sum of two million nine hundred forty-nine thousand nine hundred twenty-seven dollars is hereby appropriated for the purpose of capital improvements and long term repairs, which purpose includes such related improvements, facilities, equipment and furnishings as are necessary to complete the same. The estimated costs for the projects are as follows:

Further amend section 1, in the paragraph I. Administration and control: by inserting after the words and figures, Supreme court room-rug 6,500.00 the following item: Legislature — senate, maintenance, repairs and furnishings of senate chamber and offices 5,000.00\*. Further amend said paragraph I by striking out the words and figures "Total \$17,500.00" and inserting in place thereof, Total \$22,500.00. Further amend said paragraph by inserting at the end thereof the following footnote:

\*This amount shall be expended only under the direction of the president of the senate and the chairman of the senate finance committee.

Further amend section 1 of the bill, in the paragraph VI. Soldiers home: by inserting after the figure 10,000.00, the fol-

lowing item: Painting of buildings 5,000.00. Further amend by inserting at the end of said paragraph VI. the words and figures, Total 15,000.00.

Further amend section 1 of the bill, in the paragraph VII. State hospital: by striking out said paragraph and inserting in place thereof the following:

Construction of duplex residence	\$50,000.00	
Howard auditorium — stairways and library	20,000.00	
750 K. W. generator*	170,000.00	
Laundry equipment	45,000.00	
Total		285,000.00

\*Four thousand dollars (\$4,000.00) of this amount is for the purpose of a study and the amount of \$166,000.00 shall not be spent until recommended as a result of said study.

Further amend said bill by striking out at the end of section 1, the figure "2,945,927.00" and inserting in place thereof, \$2,949,947.00.

Further amend said bill, in section 2 by striking out the words "The sum of three hundred seventy-one thousand eight hundred dollars" and inserting in place thereof the words, The sum of four hundred nine thousand eight hundred dollars.

Further amend said bill in section 2, by inserting after the figure 8,600.00\*, the following item:

Chandler's Cove project 38,000.00.

Further amend section 2, by striking out at the end thereof, the words and figures, "Total 371,800.00" and inserting in place thereof, Total 409,800.00.

So that section 2 as amended shall read as follows:

2 Recreational. The sum of four hundred nine thousand eight hundred dollars is hereby appropriated for the recreational division, as follows:

Additions to shelter buildings — Sun-apee state park	\$204,000.00
T-bar type ski lift — Cannon mountain	53,000.00



Fire protection system at tramway —	
Cannon mountain	51,000.00
Addition to Peabody slope building —	
Franconia	55,200.00
Engineering services — transfer	8,600.00*
Chandler's Cove project	38,000.00
	<hr/>
Total	409,800.00

\*This amount shall be transferred to the public works division for preliminary engineering, inspection and overhead.

Further amend said bill, in section 4 by striking out said section and inserting in place thereof the following:

4 Department of Education. The sum of one million four hundred thirty one thousand forty-four dollars is hereby appropriated for the department of education as follows:

Dormitory for married students —	
Keene teachers college	\$395,395.00
Purchase of land	60,000.00
	<hr/>
	455,395.00
Dormitory for women — Plymouth	
teachers college	975,649.00
	<hr/>
Total	1,431,044.00*

\*Of this amount \$36,044.00 shall be transferred to the public works division for preliminary engineering, inspection and overhead.

Further amend said bill in section 6 by inserting after the words, Mary Lyon hall and Rounds hall 44,200., the following new item: Rip rap at Great Boar's Head \$50,000.00.

Further amend said bill, in section 6, by striking out at the end thereof, the words and figures, "Total 254,660.00" and inserting in place thereof, Total for deferred maintenance 304,660.00. Further amend said section 6 by striking out the final paragraph, reading "The governor is authorized to draw his warrants for the sums hereby appropriated for deferred maintenance out of any money in the treasury not otherwise appropriated. Any balance of the appropriations made herein shall not lapse until June 30, 1964"

Further amend said bill in section 7 by adding a new paragraph IV.

IV. To transfer funds from any project named in section 1 hereof to any other project in said section only in the event of an unforeseen emergency need.

Amend said bill in section 10, by striking out the words and figures, "two million nine hundred forty-five thousand nine hundred twenty-seven dollars (\$2,945,927)" and inserting in place thereof, two million nine hundred forty-nine thousand nine hundred twenty-seven dollars (\$2,949,927). By striking out the words and figures, "three hundred seventy-one thousand eight hundred dollars (\$371,800);" and inserting in place thereof, four hundred nine thousand eight hundred dollars (\$409,800.); By striking out the words and figures "one million three hundred seventy one thousand forty four dollars (\$1,371,044.);" and inserting in place thereof, one million four hundred thirty-one thousand forty four dollars (\$1,431,044.); By inserting after the figure "(\$1,690,500)" the following; to provide funds for the appropriation made in section 6 hereof not exceeding the sum of three hundred four thousand six hundred sixty dollars (\$304,660.) so that said section 10 as amended shall read as follows:

10 Borrowing Power. To provide funds for the appropriation made in section 1 hereof, the state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state not exceeding the sum of two million nine hundred forty-nine thousand nine hundred twenty-seven dollars (\$2,949,927); to provide funds for the appropriations made in section 2 hereof not exceeding the sum of four hundred nine thousand eight hundred dollars (\$409,800.); to provide funds for the appropriation made in section 3 hereof not exceeding the sum of ten thousand two hundred seventy dollars (\$10,270); to provide funds for the appropriations made in section 4 hereof not exceeding the sum of one million four hundred thirty-one thousand forty-four dollars (\$1,431,044.); to provide funds for the appropriation made in section 5 hereof not exceeding the sum of one million six hundred ninety thousand five hundred dollars (\$1,690,500.); and to provide funds for the appropriations made in section 6 hereof not exceeding the sum of three hundred four thousand six hundred sixty dollars (\$304,660.); and for

said purposes may issue bonds and notes in the name and on behalf of the State of New Hampshire. The governor and council shall determine the form of such bonds or notes, their rate of interest, the date when interest shall be paid and the time or times of issue. Such bonds or notes shall be signed by the treasurer and countersigned by the governor and shall be deemed a pledge of the faith and credit of the state.

Further amend said bill in section 14, by striking out the words "(1) not exceeding the sum of two million nine hundred forty-five thousand nine hundred twenty-seven dollars," and inserting in place thereof, two million nine hundred forty-nine thousand nine hundred twenty-seven dollars; by striking out the words "(2) not exceeding the sum of three hundred seventy-one thousand eight hundred dollars" and inserting in place thereof, (2) not exceeding the sum of four hundred nine thousand eight hundred dollars; by striking out "(4) not exceeding the sum of one million three hundred seventy-one thousand forty-four dollars" and inserting in place thereof, (4) not exceeding the sum of one million four hundred thirty-one thousand forty-four dollars; and by inserting after the figure 5 at the end of the section the following words and figures, ; and (6) not exceeding the sum of three hundred four thousand six hundred sixty dollars for borrowing to provide funds for the purpose of section 6; so that said section 14 as amended shall read as follows:

14 Short Term Notes. Prior to the issuance of the bonds or notes hereunder, the treasurer, under the direction of the governor and council, may for the purposes hereof borrow money from time to time on short term loans, which may be refunded by the issuance of the bonds or notes hereunder. Provided, however, that at no time shall the indebtedness of the state on short term loans exceed the following sums: (1) not exceeding the sum of two million nine hundred forty-nine thousand nine hundred twenty-seven dollars for borrowing to provide funds for the purposes of section 1; (2) not exceeding the sum of four hundred nine thousand eight hundred dollars for borrowing to provide funds for the purposes of section 2; (3) not exceeding the sum of ten thousand two hundred seventy dollars for borrowing to provide funds for the purpose of section 3; (4) not exceeding the sum of one million four hundred thirty-one thousand forty-four dollars for borrowing to

provide funds for the purposes of section 4; (5) not exceeding the sum of one million six hundred ninety thousand five hundred dollars for borrowing for the purpose of section 5; and (6) not exceeding the sum of three hundred four thousand six hundred sixty dollars for borrowing to provide funds for the purpose of section 6.

Senator Cheney explained the amendments in detail.

On a *viva voce* vote, the amendments were adopted.

The bill being on its second reading, was open to amendment.

Senator Dunlap offered the following amendment and moved its adoption:

Amend the bill by inserting after section 18 the following new section:

19 Appropriation. The sum of \$127,558.59, being the same amount as the unexpended balance of the funds appropriated by Laws of 1955, chapter 212, is hereby appropriated to the University of New Hampshire for the purpose of making final payments on the completed construction, furnishing and equipping of the new library building at the university and for the remodeling of the former library building for instructional purposes.

Construction of Statute. The appropriation made under the provisions of section 1 shall be a charge upon the bonds authorized and issued by 1955, 212.

Further amend the bill by renumbering section 19 to read 20.

Senator Dunlap: "Mr. President, I offer this amendment to the logical bill — the capital budget bill. This is very technical and I also offer it on the basis that this bill does have to go back to the House. It has to do with \$127,558.59 for the University of New Hampshire for making final payment on the new library building and repairs to the old library building. What this does purely and simply, is to free this amount that is impounded in the state treasurer's office. In 1955, one million, five hundred thousand dollars was given them to construct a new library building and to make alterations to the old library building for class rooms. They find themselves unable

to reach this money. The bonds are issued — 30 year bonds. It is a ridiculous situation for the University of New Hampshire not to have this money. The University has had to borrow against other funds. I move that this amendment be adopted.”

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading.

On motion of Senator Drake, under suspension of the rules, the bill was read a third time and passed at the present time.

On motion of Senator Dunlap, the rules were suspended to dispense with public hearing on

HB 296, interest charges on house mortgage loans.

Senator Dunlap “Mr. President, this bill is best designed as a companion bill to HB 43, the small loans bill. As passed by the House, the usury section was deleted. This is important legislation in regard to second mortgages. This bill will go a long way in protecting those home owners who find themselves forced to go into a second mortgage.”

On a *viva voce* vote, the affirmative prevailed, and the public hearing was dispensed with.

On motion of Senator Dunlap, the rules were suspended to permit the introduction of Committee Report not previously advertised in the Journal.

Senator Dunlap, for the Committee on Banks & Insurance:

HB 296, interest charges on house mortgage loans. Ought to pass.

The bill was ordered to a third reading.

On motion of Senator Dunlap, under suspension of the rules, the bill was read a third time and passed at the present time.

The President recognized Senator Battles: “Mr. President, I wish to serve notice to the Senate that I may ask reconsideration of HB 483, making appropriations for capital improvement, long term repairs and deferred maintenance for the state of New Hampshire.”

### Report of Committee of Conference

The Committee of Conference to whom was referred Senate Bill No. 107, An Act relative to salaries of legislative attachés, having considered the same, report the same with the following recommendations:

I. That the Senate recede from its position of non-concurrence in the amendment to Section 2 of said bill, that the House recede from its position in adopting its amendment to said section and the House and Senate concur in the adoption of the following amendment:

2. Compensation. Amend RSA 14:24 (supp) as amended by 1957, by striking out the same and inserting in place thereof the following: 14:24 House Attachés. The compensation of the following attachés of the house of representatives shall be, sergeant-at-arms, \$15; custodian of mails and supplies for the house, \$12.50 a day; messengers, assistant messengers, telephone messengers, library messengers, door-keepers, assistant wardens, and pages, \$9 a day, chaplain \$10. a day, warden of the coatroom, \$11. a day; each for six days a week.

II. That the House and Senate concur in the adoption of the following amendment to Section 3 of said bill:

3 Compensation. Amend RSA 14 by inserting the following new section after section 24 thereof, 14:24-a Senate Attachés. The compensation of the following attachés of the senate shall be, sergeant-at-arms, \$12.50 a day; the senate messenger who acts as custodian of mails and supplies, \$10. a day, the senate doorkeeper who also acts as warden of the cloak room, \$11. a day; messengers, assistant messengers, library messengers, doorkeepers, wardens and assistant wardens, pages and chaplain, \$9. a day; each for six days a week.

III. That the senate recede from its position of non-concurrence with the amendment adopted by the House for Section 4 of said bill and concur with the House in the adoption of said amendment.

IV. That the House and Senate concur in the adoption of the following amendment to Section 5 of said bill. Amend section 5 of said bill by striking out the same and inserting in place thereof the following:

5 Senate Assistants. Amend RSA 14 by inserting the following new section after section 25 thereof: 14:25-a Senate Legislative Assistants. The compensation of the legislative assistants of the senate shall be as follows: For the chief assistant thirteen dollars a day, provided for every five regular sessions of service, an additional one dollar a day shall be added until a maximum of fifteen dollars a day; for other assistants ten dollars and fifty cents a day for the first session of service, and fifty cents a day additional for each succeeding session of service until a maximum of twelve dollars and fifty cents a day, provided, that for every five regular sessions of service an additional one dollar a day shall be added until a maximum of fourteen dollars and fifty cents a day; each for six days a week.

V. That the Senate recede from its position of non-concurrence in the addition of Sections 6, 7 and 8 to the bill and concur with the House in the adoption of said amendments.

VI. That the Senate and House concur in the adoption of the following amendment.

9 Senate Counsel: The senate counsel, who acts as the senate assistant clerk, shall receive a salary of \$230.77 per week. Said counsel shall be employed beginning the first Monday following the biennial election day of 1962 as said counsel to assist the senators-elect prior to the 1963 session of the general court. His salary for said period shall be \$230.77 each week.

Charles H. Cheney

Marye Walsh Caron

Conferees on the part of the Senate

Paul G. Karkavelas

Henry F. Goode

John W. King

Conferees on the part of the House

On motion of Senator Caron, the reading of the report was dispensed with.

On further motion of Senator Caron, the Senate voted to concur in the adoption of the report of the Committee of Conference.

### **Committee of Conference Report**

The Committee of Conference to whom was referred House Bill No. 297, An act relative to school buses, having



considered the same, report the same with the following recommendations:

That the Senate recede from its position in adopting its amendment;

That the House recede from its position of non-concurrence, and

That the House and Senate adopt the following amendment:

Amend said bill by striking out section 7 and inserting in place thereof the following:

7 School Buses. Amend RSA 263 by inserting after section 38 the following new section:

263:38-a Operation of School Buses. When taking on or discharging school children, the school bus shall be stopped on the extreme right of the highway. Wherever possible, a school bus may be stopped completely off the highway if facilities and stopping areas are available. The operator of a school bus in bringing his bus to a stop to receive or discharge pupils, shall come to a stop in a place on the highway or shoulder where the flashing red warning stop lights are clearly visible to the driver of an overtaking or oncoming vehicle. The school bus operator shall not open the door or cause the flashing red warning stop lights to be in operation until all motor vehicles overtaking said bus at the time it comes to a halt shall have either passed the bus or have stopped. Common sense and good judgment should be used in all cases when the flashing red warning stop lights are to be in operation. If the operator of a school bus intends to remain stationary in any position for an extended period of time, he shall see that the flashing red warning stop lights are switched off so that traffic may proceed safely and legally by the school bus.

Senator Buckley

Senator Bergeron

Conferees on the Part of the Senate

Mr. Claffin of Wolfeboro

Mr. Urie of New Hampton

Mr. McGee of Lincoln

Conferees on the Part of the House

On motion of Senator Buckley, the reading of the Report was dispensed with, and he explained the same.

On motion of the same Senator, the Senate voted to concur in adoption of the report.

### Report of Committee of Conference

The Committee of Conference to whom was referred House Bill No. 395, An act relative to free registration number plates for emergency vehicles, having considered the same, report the same with the following recommendations:

That the House recede from its position of non-concurrence, and adopt the amendment of the Senate.

Senator Buckley  
Senator English  
Conferees on the Part of the Senate

Mr. Claflin of Wolfeboro  
Mr. Bradley of Thornton  
Mr. McGee of Lincoln  
Conferees on the Part of the House

On motion of Senator Buckley, the Senate voted to concur in the adoption of the Report.

On motion of Senator Cheney, the rules were suspended to permit introduction of Committee Report not previously advertised in the Journal.

Senator Cheney, for the Committee on Finance:

HJR 9, providing appropriation for reconstruction of Fort at No. 4. Ought to pass.

On a *viva voce* vote, the joint resolution was ordered to a third reading.

On motion of Senator Monahan, under suspension of the rules, the joint resolution was read a third time and passed at the present time.

On motion of Senator Cheney, the rules were suspended to permit introduction of Committee Report not previously advertised in the Journal.

Senator Cheney, for the Committee on Finance:

HB 45, relative to the use of voting machines in the city of Manchester. Ought to pass.

On motion of Senator Cheney, under suspension of the rules, the bill was read a third time and passed at the present time.

On motion of Senator Humphreys, the rules were suspended to permit introduction of Committee Report not previously advertised in the Journal.

Senator Humphreys, for the Committee on Executive Dept., Municipal & County Government:

HB 161, relative to officers of the New Hampshire state port authority. Ought to pass with amendment:

Amend the title of said bill by striking out the same and inserting in place thereof the following new title:

An Act providing an appropriation for reconstruction and restoration of the old New Hampshire State House.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Strawberry Banke Project. The sum of ten thousand dollars is hereby appropriated for the purpose of reconstruction and restoration of the Old New Hampshire state house as a part of the non-profit Strawberry Banke historical project. This appropriation shall not lapse and shall be expended only after approval of the plans by the State Historical Commission. The governor is authorized to draw his warrants for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

2 Takes Effect. This act shall take effect sixty days after its passage.

On motion of Senator Humphreys, under suspension of the rules, referral to Finance Committee was dispensed with and the bill was read a third time and passed at the present time.

Senator Holmes requested to be recorded as voting in favor of the bill.

Senator Battles offered the following Concurrence Resolution, amended by Senator Cleveland:

*Be It Resolved* by the Senate of the General Court of New Hampshire that Rooms 212, 213 and 214 in the State House, as presently numbered be made available for the use of the Senate commencing with the convening of the 1963 General Court. Providing suitable provisions be made for the present occupants in some other location.

On a *viva voce* vote, the Concurrent Resolution was adopted.

The President declared a Recess until 6 P.M.

(Recess)

The Senate reassembled.

### House Message

Mr. President:

The House refuses to concur with the Senate in the adoption of the amendment to the following entitled bill sent down from the Senate:

HB 483, making appropriations for capital improvements, long term repairs and maintenance for the state of New Hampshire.

and requests a Committee of Conference; The Speaker has appointed as members of said Committee on the part of the House: Messrs. Karkavelas of Dover; Good of Manchester; Shepard of Londonderry; King of Manchester; and Belcourt of Nashua.

On motion of Senator Bergeron, the Senate voted to accede to the request of the House for a Committee of Conference.

Pursuant to the above, the Chair appointed as members of such Committee on the part of the Senate, Senators Cheney, Buckley and Humphreys.

The Message further stated that the House refuses to concur with the Senate in adoption of the amendment to the following bill sent down from the Senate:

HB 14, relative to manufacturers and wholesalers permits and requests a Committee of Conference; the Speaker has appointed as members of said Committee on the part of the House: Messrs. Underhill of Nashua; Nickerson of Goffstown; and King of Manchester.

On motion of Senator Eaton, the Senate voted to accede to the request for a Committee of Conference.

Pursuant to the above, the Chair appointed as members of such Committee on the part of the Senate, Senators Eaton and Dunlap.

The Message further stated that the House has voted to adopt the recommendation of the Committee of Conference on the following entitled bill:

SB 107, relative to salaries of legislative attachés.

The Message further stated that the House has voted to adopt the recommendation of the Committee of Conference to whom was referred the following entitled bill:

HB 395, relative to free registration number plates for emergency vehicles.

The Message further stated that the House has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bill, in the adoption of which amendments the House asks the concurrence of the Senate:

SB 123, to impose an operating fee on aircraft.

Amend section 2 of said bill by striking out the first six lines and inserting in place thereof the following:

2 Fees. Amend RSA 422:37 by inserting at the end thereof the following new paragraph: XII. For each aircraft for which a state registration certificate is required by sections 24 to 33, paragraph VIII of this section and paragraph IV of section 38. The

Amend section 5 of said bill by striking out the first line and inserting in place thereof the following:

5 Credits. Amend RSA 422 by inserting after section 38 the following new section: 422:38-a Transfer. The owner of any aircraft for which the aircraft operating fee has been

Amend section 7 by striking out the words "this fee" and inserting in place thereof the words, the aircraft operating fee.

On motion of Senator Monahan, the Senate voted to concur in adoption of amendments.

The Message further stated that the House concurs with the Senate in the passage of the following Concurrent Resolution, with amendments, in the passage of which amendments the House asks the concurrence of the Senate:

### Concurrent Resolution

*That* the speaker of the house and the president of the senate be authorized to call together any committee of the house during the interim period between sessions, and to appoint any special committee during said interim to study any matter which the speaker or the president of the senate may deem necessary with the objective to expedite the 1963 session of the legislature; and to authorize the speaker to accept resignations during the interim period from the members of the house and the president of the senate to be empowered to accept resignations from the members of the senate.

On motion of Senator Battles, the Senate voted to non concur and request a Committee of Conference.

Pursuant to the above, the Chair appointed as members of such committee on the part of the Senate, Senators Battles and Bergeron.

On motion of Senator Dunlap, the rules were suspended to permit a Committee Report not previously advertised in the Journal.

Senator Dunlap, for the Joint Committee on Ways & Means and Banks & Insurance:

HB 475, providing for the taxation of banks. Ought to pass with amendment.

Amend RSA 84:16-c as inserted by section 1 of said bill by striking out said section and inserting in place thereof the following: 84:16-c Imposition of Tax. Every such corporation as defined in section 16-a shall at the time of filing the reports provided for above pay to the division of interest and dividends, state tax commission, a franchise tax equal to one per cent of the amount by which the total amount of interest, dividends and divided profits paid or credited by it on its savings deposits, savings shares, savings share accounts, or other similar evidences of savings in the twelve months' period preceding April first exceeds ten thousand dollars. There shall be

deducted from the tax imposed by this section the amount which any national bank shall pay under the provisions of section 1 or which any other bank or trust company shall pay under the provisions of section 16-d; but the extent of such credit as to any such bank or trust company shall not exceed the amount of the tax imposed by this section, and such deduction shall not be allocable among the several towns in the distribution of the amount of tax collected.

Senator Dunlap: "Mr. President, this would give the cities and towns approximately one-quarter of a million dollars through a tax on banks. The tax would be levied at the rate of 1% on dividends above \$10,000 earned and paid after April 1st of each year by mutual savings bank, savings banks and co-operatives. The committee presented this amendment or this \$10,000 exemption amount to satisfy the position that the smaller and cooperatives would be taxed out of proportion percentwise with the bigger ones. The Committee recommends that this bill as amended ought to pass."

Senator Daniel spoke in favor and showed communications from Manchester banks in support.

On motion of Senator Dunlap, under suspension, the reading of the amendment was dispensed with.

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading.

On further motion of the same Senator, under suspension of the rules, the bill was read a third time and passed at the present time.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House Bills:

HB 188, amending the charter of the city of Somersworth.

HB 227, relative to the construction of a physical education building at the University of New Hampshire.

HB 429, relative to representative town meeting government.

HB 432, legalizing the annual town meeting held in the town of Exeter March 14, 1961.



HB 449, relative to term of office of members of the state soil conservation committee.

HB 484, authorizing the appointment of a consultant to the commissioner of safety.

HB 488, relative to the salary of the mayor of Dover.

HB 178, to prohibit discrimination in places of public accommodation.

HB 353, relative to the election of members of the Union School District in Concord.

HB 430, relative to use of municipal bond proceeds.

HB 468, relative to Souhegan River Watershed Project.

HB 477, to redistrict the state into senatorial districts.

HB 482, to revise the charter of the City of Nashua.

SB 143, extending the time when expenditures can be made from certain aeronautical appropriations.

HJR 45, relative to temporary and seasonal employees and providing salary increases for certain state officials.

HB 70, providing for the training of fire fighters.

HB 480, relating to the election of representatives to the general court.

Robert S. Monahan  
For the Committee.

Senator Battles offered the following Senate Resolution and spoke in support:

*Be it Resolved* by the Senate of the General Court of New Hampshire that the Public Utilities Commission be hereby directed to inquire into the financial status of all the railroads operating in the state and particularly to inquire into all real estate transactions, and to inquire into and ascertain in detail the expenses of all administrative officers and expenditures for upkeep, maintenance and repair.

Mr. President: I ask the Senate to adopt this Resolution, for the sole purpose of serving notice on the railroads that

operate in the State of New Hampshire, that the General Court — and particularly the Senate — will not stand for any shenanigans or milking of these public service utilities. Mr. McGinnis, the President of the Boston and Maine Railroad, has threatened the Public Utilities Commission, and threatened the State in general with the absolute abolishment of all passenger service in the State of New Hampshire through the Interstate Commerce Commission. I suggest to the Senate today, that the operation of the Boston and Maine Railroad comes the closest to malfeasance of management that we in New England have seen for a long time. When a Company the size of the Boston and Maine Railroad does not file with the Public Utilities Commission, information regarding the expenses of administration and upkeep, and the financial dealings regarding real estate transactions, it is high time the New Hampshire Legislature inquired into this situation. With rumors flying all over the State that the President of the Company — Mr. McGinnis' expense account runs close to a half million dollars, and the operating expenses of this Company in question, with exposes in the Boston papers regarding dubious real estate transaction — where profits were made by friends of Mr. McGinnis in the amount of ten times the original investment, I suggest that this Resolution is properly in order.

(Discussion ensued)

Senator Cleveland questioned Senator Battles as to why the Boston & Maine Railroad should be criticized for not filing reports with the PUC when there was no ruling that said that they had to do that.

Senator Eaton spoke in opposition to the Resolution.

Senator Holmes stated that she was vitally interested as her District was concerned about the railroad situation. Stated that she thought anything that will make our PUC pay attention is good.

Senator Cleveland stated that as far as he was concerned, he was going to vote for this Resolution. Stated that it was in order but stated that he would still take exception to the remarks of the Senator from the 23rd District as to the B. & M. not filing reports when there was no requirement for doing same.

Senator Monahan stated that he hoped the Resolution would be adopted. That he believed there was merit in it.

Question being on adoption of the Resolution offered by Senator Battles.

On this question, Senator Battles requested a Division vote.

Ten Senators having voted in the affirmative, and six Senators having voted in the negative the affirmative prevailed, and the Resolution was adopted.

### Guests

As the guests of Senator Paquette, Mr. Raymond Lavoie and his two children Danny and Denise. Mr. Lavoie is the son-in-law of the Senator.

As the guest of the President, his wife, Mrs. Green, from Manchester.

### House Message

Mr. President:

The House has voted to adopt the recommendation of the Committee of Conference to whom was referred the following entitled bill:

HB 297, relative to school buses.

Senator Eaton presiding.

Senator Buckley, under suspension of the rules, introduced a Committee Report not previously advertised in the Journal.

Senator Buckley, for the Committee on Finance:

HB 377, to provide for expansion of state park system. Ought to pass with amendment.

Amend section 3 of the bill, as amended, by inserting in the twentieth line thereof after the word "with" the words, private persons or agencies, provided, however, that any lease agreement with such private persons or agencies wherein the state is lessee shall be for a term of not less than forty years, or with, so that said section as amended shall read as follows:  
3 Forestry and Recreation Commission: Authority. In the performance of its duties hereunder the commission shall give

equal consideration to the recreational needs of all geographic areas of the state and shall have particular concern for the following objectives: a. the development of present parks and facilities thereon to their optimum capacity for skiing, camping, and other income producing potential. b. development of any other lands and facilities that the state now owns for optimum recreational potential. c. acquisition of new areas and facilities thereon within the state, believed by the commission to have sound potential for development, use and operation as state parks, historic sites or wayside areas. With the approval of the governor and council the commission shall have authority in the name of the state to acquire by lease, purchase or gift, and if need be, after acquisition, to dispose of by sale or exchange either land adjacent to present state parks believed by the commission to be required for the protection of the state or land for new areas. With like approval and notwithstanding any other provision of law the commission may enter into agreements with private persons or agencies, provided, however, that any lease agreement with such private persons or agencies wherein the state is lessee shall be for a term of not less than forty years or with public agencies, state, federal, or municipal, for the use, development and operation of lands so acquired or for the construction, use, development and operation of facilities thereon or to be constructed thereon which agreements may include the right to receive grants, aids or services, as may be available from the federal government for acquisition, planning, development, maintenance or operation of state parks, and with respect to other New England states may include arrangements for regional planning, acquisition, development and operation of interstate parks. In the performance of its duties hereunder, the commission with approval of governor and council may employ such services as are necessary to acquisition, planning, design and development, and for such purposes it may assign to permanent employees of the department such additional duties on a temporary basis as it deems necessary and advisable. In such event, the performance of such additional duties by such personnel may be compensated from funds made available under this chapter.

Amend section 4 of the bill as amended, by striking out said section and inserting in place thereof the following: 4 Appropriation. A sum not exceeding ten million dollars, not

more than five million dollars of which may be spent on projects which are not self-liquidating, is hereby appropriated for the purposes and projects authorized by the foregoing sections, as may be approved by the governor and council.

Amend section 5 of the bill, as amended, by striking out the word "five" in the fifth line thereof and inserting in place thereof the word, ten, so that said section as amended shall read as follows: 5 Bonds or Notes Authorized. For the purpose of providing funds necessary for the appropriation made by section 4 the state treasurer is hereby authorized, under the direction of the governor and council, to ; borrow on the credit of the state from time to time, a total of ten million dollars for the purpose of carrying into effect the provisions hereof and for that purpose may issue bonds or notes in the name and on behalf of the state of New Hampshire at a rate of interest to be determined by the governor and council. The maturity dates of such bonds or notes shall be determined in each case by the governor and council but in no case shall they be later than 1990.

Further amend the bill, as amended, by striking out sections 10, 11 and 12.

Senator Buckley explained the amendments.

(Discussion ensued)

The President presiding.

Senator Monahan spoke in opposition.

On a *viva voce* vote, the amendments were adopted.

Senator Drake presiding.

Senator Green stated: "Mr. President, the purpose of this bill is, I think, well known to everyone here. I have implicit confidence in those elected by the people of New Hampshire. Any project has to go through certain phases. I feel that the people of New Hampshire have elected trustworthy people. I ask the Senators for the best interests of recreational and promotional activities of the state, let's get this show on the road and pass this right now."

(Discussion ensued)

The bill as amended was ordered to a third reading.

On motion of Senator Buckley, under suspension of the rules, the bill was read a third time and passed at the present time.

The President presiding.

The President recognized Senator Drake: "Mr. President, I have something of great concern to say, relative to the Committee of Conference on HB 463, to incorporate the inhabitants of the easterly part of Lisbon into a separate town, with all the privileges and immunities of other towns in this state. I move that the Committee of Conference be discharged and the bill recalled to the Senate."

Senator McMeekin: "Mr. President, I must oppose the motion to recall the bill. It has been discussed very thoroughly. I understand from the Conferees that there is an amendment to be offered. I see no reason for this Senate to go through the same performance that we went through yesterday afternoon."

Senator Battles presiding.

Senator Lamontagne stated that he was opposed to the motion.

Senator Cleveland stated that he would support the motion of Senator Drake.

Senator McMeekin: "In my opinion the Committee of Conference can agree. They simply have not had time to meet."

Senator Drake: "I move that the motion be acted on."

(Discussion ensued)

On the motion, Senator Drake demanded a Roll Call.

The Clerk proceeded to call the Roll.

### Roll Call

The following named Senators voted in the affirmative: Drake, Sawyer, Monahan, Gardner, Cleveland, Phillips, Eaton, English, Bunten, Cheney and Dunnington.

The following named Senators voted in the negative: Lamontagne, McMeekin, Dunlap, Holmes, Paquette, Caron, Provost, Daniel, Bergeron, Buckley and Humphreys.

Eleven Senators having voted in the affirmative, and eleven Senators having voted in the negative, it was a tie vote and the motion was lost.

Senator Drake requested that he be removed from the Committee of Conference.

Senator Drake withdrew his request.

On motion of Senator Dunlap, the rules were suspended to permit introduction of Committee Report not previously advertised in the Journal.

Senator Dunlap, for the Committee Fisheries & Game:

HB 80, relative to fees and bonds for fish & game agents and eliminating the so-called stamps for fish & game licenses. Ought to pass with amendment.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. The sum of eight thousand seven hundred dollars is hereby appropriated for the fiscal year ending June 30, 1961 to be expended by the bank commissioner for the following purposes: Six thousand dollars for rent for office space at 97 North Main Street, Concord, and the balance of two thousand seven hundred dollars to reimburse appropriations for bank commissioner for personal services and current expenses for the fiscal year ending June 30, 1961. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated. The bank commissioner shall collect and pay over to the state treasurer to be covered into the general funds of the state the amount appropriated hereunder from the institutions the condition and management of which he is required to manage under the provisions of RSA 383:9, as a part of the cost of such supervision and management, in the manner indicated by section 2 of chapter 269 of the Laws of 1959.

2 Takes Effect. This act shall take effect upon its passage.

Further amend the bill by striking out the title and inserting in place thereof the following:

An Act making an appropriation for rent.

Senator Dunlap: "Mr. President, the amendment to HB 80 would provide an appropriation of \$8,700 for the fiscal year ending June 30, 1961 to pay the rent for the banking department. The Senate will recall that during the debate on the budget, the Senator from the 9th District submitted that the



bank commissioner's department had the payment of this rent to meet—that there had been no provision made for the rent of the department and asked that the Senate on the floor put these items back in the budget. A member of the House has now suggested that a HB now resting in the custody of the Senate be amended so that the Bank Commission's rent can now be paid over to the landlord. I move that this amendment be adopted."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading.

Senator Dunlap moved suspension of the rules to place the bill on its third reading and final passage at the present time.

The Chair stated that he would refer the bill to the table.

### Guests

As the guest of the entire Senate, former Senator Elmer Anderson of Concord.

### House Message

Mr. President:

The House has voted to accede to the request of the Senate for a Committee of Conference on the following:

### Concurrent Resolution

To empower Speaker and President to act in the Interim and the Speaker has appointed as members of said Committee on the part of the House: Messrs. Goode of Manchester; Karkavelas of Dover; and King of Manchester.

The Message further stated that the House has voted to concur with the Senate in the passage of the following entitled bills sent down from the Senate:

HB 419, relative to salaries of registers and deputy registers of probate.

HB 475, providing for the taxation of banks.

The Message further stated that the House has passed the following Concurrent Resolution, in the passage of which it asks the concurrence of the Senate:

*Resolved*, By the House of Representatives, the Senate concurring, that a committee of ten be appointed to join with such committee as the Senate may designate to wait upon His Excellency, the Governor, and inform him that the Legislature has completed the business of the session and is ready to be adjourned and to receive any communication which he may be pleased to make.

The Chair appointed the following members to serve on the committee: Chandler of Bartlett, Goode of Manchester, Tolman of Alstead, Hill of Littleton, Bell of Alstead, Clement of Rochester, Neale of Hanover, Downing of Newport, Hurley of Manchester, Walsh of Manchester.

On a *viva voce* vote, the Senate voted to concur in the adoption of the Concurrent Resolution.

Pursuant to the above, the President appointed as members of such Committee on the part of Senate, Senators Humphreys, Cheney, Battles and Monahan.

The Message further stated that the House refuses to concur with the Senate in the adoption of the amendment to the following entitled bill sent down from the Senate:

HB 377, to provide for expansion of the State park system, and asks for a Committee of Conference; the Speaker has appointed as members of said Committee on the Part of the House: Messrs. Roberts of Conway; Goode of Manchester; and Desnoyer of Claremont.

On motion of Senator Dunnington, the Senate voted to accede to the request of the House for a Committee of Conference.

Pursuant to the above, the Chair appointed as members of such Committee on the part of the Senate, Senators Dunnington and Caron.

The Chair declared a Recess, possibly for 30 minutes.

(Recess)

The Senate reassembled.

### House Message

Mr. President:

The House has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following entitled

Senate Bill, in the adoption of which amendment the House asks the concurrence of the Senate:

SB 157, to create the Littleton Parking District.

Amend the bill by renumbering subsections (a) (8) through (a) (13) inclusive of section 4 to read (a) (7) through (a) (12) inclusive.

On motion of Senator Monahan, the Senate voted to concur in adoption of the amendment.

The Message further stated that the House has voted to adopt the amendment offered by the Committee on Engrossed Bills, to the following House Bill, in the adoption of which amendment the House asks the concurrence of the Senate:

HB 402, relative to credit unions.

Amend the bill by striking out section 5 thereof.

Further amend the bill by renumbering sections 6 and 7 to read 5 and 6.

On motion of Senator Monahan, the Senate voted to concur in adoption of the amendment.

The Message further stated that the House has voted to adopt the recommendation of the Committee of Conference to whom was referred the following Concurrent Resolution:

Relative to empowering the President of the Senate and Speaker of the House.

### **Report of Committee of Conference**

#### **(Concurrent Resolution)**

The Committee of Conference, to whom was referred the Concurrent Resolution regarding the interim period between sessions, having considered the same, report the same with the following recommendation:

That the senate recede from its position of non-concurrence, that the house recede from its position in passing the concurrent resolution, and that the following be adopted.

That the president of the senate and the speaker of the house be authorized to call together any committee of the house

or senate, respectively, during the interim period between sessions, and to appoint any special committee during said interim to study any matter which the president or the speaker may deem necessary with the objective to expedite the 1963 session of the legislature; and to authorize the president of the senate to be empowered to accept resignations from the members of the senate and the speaker to accept resignations during the interim period from the members of the house.

Senator Battles

Senator Bergeron

Conferees on part of the Senate

Mr. Goode of Manchester

Mr. Karkevelas of Dover

Mr. King of Manchester

Conferees on part of the House

On a *viva voce* vote, the Report of the Committee of Conference was adopted.

### Report of Committee of Conference

The Committee of Conference to whom was referred House Bill No. 463, An Act to incorporate the inhabitants of the easterly part of Lisbon into a separate town, with all the privileges and immunities of other towns in this state, having considered the same report the same with the following recommendation: that the House recede from its position of non-concurrence in the Senate amendment, that the Senate recede from its position in adopting its amendment, and that the following amendment be adopted:

Amend section 7 of the bill by striking out the same and inserting in place thereof the following:

7 Takes Effect. This act shall take effect as of April 1, 1962, provided however, that during the period from March 1, 1962 to March 31, 1962, the first meeting of Sugar Hill shall be held as provided by section 4 of this act. Notwithstanding anything to the contrary in this section, in the event that on February 28, 1962 there is in existence a village district in the town of Lisbon with powers, liabilities, taxes and extent identical so far as possible to the Lisbon Village District which may have been dissolved in June 1960, then this act shall be null and void and of no further force and effect. On and after Feb-

ruary 28, 1962 the provisions of RSA 52:21 shall not apply to any village district which may be in existence in Lisbon on February 28, 1962.

Senator Drake  
Senator McMeekin  
Conferees on the part of the Senate  
Mrs. DeLude of Unity  
Mr. Craig of Manchester  
Miss Loizeaux of Plymouth  
Conferees on the part of the House

Senator Drake: "Mr. President, it does one thing. It gives them some added protection."

On motion of Senator Drake, the Senate voted to adopt the Report of the Committee of Conference.

On motion of the same Senator, the Senate refused to reconsider its vote on the above bill.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled Bills and Resolutions:

HB 45, relative to use of voting machines in the city of Manchester.

HB 63, providing for the seasons for the taking of deer.

HB 296, relative to interest charges on home mortgage loans.

HJR 9, providing an appropriation toward reconstruction of Fort at Number Four.

HB 165, relative to expenditure of state appropriations.

HB 290, to create a bank advisory board.

SB 57, establishing an interim committee to study the question of extending the powers of the Main-New Hampshire Inter-state Bridge Authority.

HB 465, establishing marriage counseling service.

HB 473, relative to the state council on aging.

SB 123, to impose an operating fee on aircraft.

Robert S. Monahan  
For the Committee

### House Message

Mr. President:

The House has passed the following Concurrent Resolution, in the passage of which it asks the concurrence of the Senate:

*Resolved*, that all bills and joint resolutions pending in either branch on Friday, June 30 at 5 P.M. be indefinitely postponed.

On motion of Senator Battles, the Senate voted to concur in the adoption of the Concurrent Resolution sent up from the House.

The Message further stated that the House has voted to adopt the recommendation of the Committee of Conference to whom was referred the following entitled bill:

HB 463, to incorporate the inhabitants of the easterly part of Lisbon into a separate town, with all the privileges and immunities of other towns in this state.

The President declared a Recess, subject to the call of the Chair.

(Recess)

The Senate reassembled.

### House Message

Mr. President:

The House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

HB 43, regulating small loans and providing for disclosure of finance charges generally.

### Committee Reports

Senator Monahan, for the Committee on Engrossed Bills:

HB 43, regulating small loans and providing limitations on rate of interest and charges generally. Report under Joint Rule No. 6 with amendment:

Amend the title of the bill by striking out the same and inserting in place thereof the following:

An act regulating small loans and providing for disclosure of finance charges generally.

Further amending the bill by striking out section 7 relative to "application of statute" and by renumbering sections 8 and 9 to read 7 and 8.

On motion of Senator Monahan, the Senate voted to concur in the adoption of the amendment.

Senator Monahan, for the Committee on Engrossed Bills:

HB 51, relating to the licensing of auctioneers. Report under Joint Rule No. 6 with amendment:

Amend the last line of the bill by striking out the same and inserting in place thereof the following:

2 Takes Effect. This act shall take effect as of June 1, 1962.

On motion of Senator Monahan, the Senate voted to concur in adoption of the amendment.

### Committee of Conference Report

The Committee of Conference to which was referred HB 377, An Act to provide for expansion of the state park system, having considered the same report the same with the following recommendation.

That the House recede from its position of non-concurrence and adopt the amendment of the Senate and that the Senate and House both adopt the following amendment:

Amend section 3 of the bill as amended by striking out said section and inserting in place thereof the following: 3 Forestry and Recreation Commission: Authority. In the performance of its duties hereunder the commission shall give equal consideration to the recreational needs of all geographic areas of the state and shall have particular concern for the following objectives: a. the development of present parks and



facilities thereon to their optimum capacity for skiing, camping, and other income producing potential. b. development of any other lands and facilities that the state now owns for optimum recreational potential. c. acquisition of new areas and facilities thereon within the state, believed by the commission to have sound potential for development, use and operation as state parks, historic sites or wayside areas. With the approval of the governor and council the commission shall have authority in the name of the state to acquire by purchase or gift, and if need be, after acquisition, to dispose of by sale or exchange either land adjacent to present state parks believed by the commission to be required for the protection of the state or land for new areas. With like approval and notwithstanding any other provision of law the commission may enter into agreements with public agencies, state, federal, or municipal, for the use, development and operation of lands so acquired or for the construction, use, development and operation of facilities thereon or to be constructed thereon which agreements may include the right to receive grants, aids or services as may be available from the federal government for acquisition, planning, development, maintenance or operation of state parks, and with respect to other New England states may include arrangements for regional planning, acquisition, development and operation of inter-state parks. In the performance of its duties hereunder, the commission with approval of governor and council may employ such services as are necessary to acquisition, planning, design and development, and for such purposes it may assign to permanent employees of the department such additional duties on a temporary basis as it deems necessary and advisable. In such event, the performance of such additional duties by such personnel may be compensated from funds made available under this chapter.

Amend section 5 of the bill as amended by striking out said section and inserting in place thereof the following: 5 Appropriation. A sum not exceeding nine million dollars is hereby appropriated for the purposes and projects authorized by the foregoing sections, as approved by the governor and council, provided nevertheless, that no project shall be approved by the governor and council unless a public hearing has been held thereon.

Further amend the bill by adding the following new sections.

10 Recreational Facilities. Amend RSA 162-A:1 (supp) as inserted by 1955, 254:1 by inserting after the word "industry" in the second line the words, recreational facilities, and by inserting after the word "industrial" in the seventh line the word, recreational, so that said section as amended shall read as follows:

162 A-1 Declaration of Need and Purpose. It is declared that there is a state-wide need for the development of additional industry, recreational facilities and areas suitable for such development for the preservation and betterment of the economy of the state and its inhabitants. It is the purpose of this chapter to provide for the establishment of such areas together with adequate transportation, water, sewage and other necessary facilities so as to provide and encourage orderly industrial and recreational development in the best interests of the state. It is further declared that the industrial park authority, created hereunder, shall be regarded as performing a governmental function in carrying out the provisions of this chapter.

11 Definitions. Amend RSA 162-A:2 (supp) as inserted by 1955, 254:2 by adding at the end thereof the following new paragraph:

(5) The words "industry" and "industrial park" shall include recreational facilities.

12 Debt Limitation. Amend RSA 162-A:12 (supp) as inserted by 1955: 254:12 and amended by 1957, 237:1 and 1959, 142:1 by striking out the words "three million dollars" in the third line and inserting in place thereof the words, four million dollars, of which amount not more than three million dollars shall be in connection with industrial projects and not more than one million dollars shall be in connection with projects for recreational facilities, so that said section as amended shall read as follows:

162-A:12 Debt Limitation. The authority shall not issue its notes or bonds as provided by this act at any one time in an amount exceeding four million dollars, of which amount not more than three million dollars shall be in connection with industrial projects and not more than one million dollars shall be in connection with projects for recreational facilities.

Amend the bill, as amended, by adding at the end thereof the following new section.

14 At such time as the department of resources and economic development shall have been established, the recommendation to governor and council which shall be initiated by the director of parks, in respect to any project shall have appended thereto a statement of opinion on said project from the advisory commission to the department of resources and economic development.

Further amend the bill, as amended, by adding at the end thereof the following new section.

15 The provisions of RSA 228:4 (supp) shall apply to the execution of agreements pursuant to this act.

H. Thomas Urie  
Stanley H. Williamson  
John W. King  
Conferees on the Part of the House

Thomas C. Dunnington  
Nathan T. Battles  
Conferees on the Part of the Senate

On a *viva voce* vote, the report of the Committee of Conference was adopted.

### House Message

Mr. President:

The House has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following entitled House Bill, in the adoption of which amendments the House asks the concurrence of the Senate.

HB 225, relative to state guarantee of mortgages on industrial buildings.

Amend the amending clause referring to paragraph I of RSA 162-A:14-a, as inserted by section 1 of the bill, by striking out the word and figure "paragraph I" and inserting in place thereof the word and figures, paragraphs I and II.

Amend section 4 of the bill, as inserted by the amendment, by striking out in the third and fourth lines the words "eleventh line" and inserting in place thereof the words, tenth line.

Senator Humphreys offered the following Resolution on behalf of Senator Eaton.

Said Resolution was adopted.

*Be it Resolved* by the Senate that the Senator from the 10th District is hereby authorized and empowered to dispose of the bathroom hampers now in the Senate Chamber as he shall see fit.

### House Message

Mr. President:

The House has voted to adopt the recommendation of the Committee of Conference to whom was referred the following entitled bill:

HB 377, to provide for expansion of the state park system.

The Message further stated that the House has voted to adopt the following Concurrent Resolution with amendment, in the passage of which it asks the concurrence of the Senate:

Amend the concurrent resolution by striking out same and inserting in place thereof the following:

*Whereas*, it appears that all necessary legislative work may be accomplished by Saturday, July 1, next, therefore be it

*Resolved*, by the House of Representatives, the Senate concurring, That the present session of the Legislature be brought to final adjournment on Saturday, July 1, next, at 3:00 o'clock in the morning, and be it further

*Resolved*, That on that date all reports, bills and joint resolutions, with the exception of those such as have been referred to the Legislative Council, Judicial Council and the next legislature, be indefinitely postponed.

On a *viva voce* vote, the Senate voted to concur in the adoption of the amendment.

### Report of Committee of Conference

#### Committee of Conference Report

HB 483, making appropriation for capital improvements, long term repairs and maintenance for the state of New Hampshire.

Amend paragraph 1 of section 1 of the bill by striking out the words "two million nine hundred forty-five thousand nine

hundred twenty-seven dollars" and inserting in place thereof the words, two million nine hundred forty-nine thousand nine hundred twenty-seven dollars, so that said paragraph as amended shall read as follows:

1 Appropriation. The sum of two million nine hundred forty-nine thousand nine hundred twenty-seven dollars is hereby appropriated for the purpose of capital improvements and long term repairs, which purpose includes such related improvements, facilities, equipment and furnishings as are necessary to complete the same. The estimated costs for the projects are as follows:

Further amend section 1, in the paragraph I. Administration and control: by inserting after the words and figures, Supreme Court room-rug 6,500.00 the following item: Legislature — senate, maintenance, repairs and furnishings of senate chamber and offices 5,000.00\* Further amend said paragraph I by striking out the words and figures "Total \$17,500.00" and inserting in place thereof, Total \$22,500. Further amend said paragraph by inserting at the end thereof the following footnote:

\*This amount shall be expended only under the direction of the president of the senate and the chairman of the senate finance committee.

Further amend section 1 of the bill, in the paragraph VI. Soldiers Home: by inserting after the figure 10,000.00, the following item: Painting of buildings 5,000.00. Further amend by inserting at the end of said paragraph VI. the words and figures, Total 15,000.00

Further amend section 1 of the bill, in the paragraph VII. State hospital: by striking out said paragraph and inserting in place thereof the following:

Construction of duplex residence	\$50,000.00
Howard auditorium — stairways and library	20,000.00
750 K.W. generator*	166,000.00
Laundry equipment	45,000.00
Total	<hr/> 281,000.00

\*Not to be spent without the approval of governor and council.

Further amend said bill, in section 2 by striking out the words "The sum of three hundred seventy-one thousand eight hundred dollars" and inserting in place thereof the words, The sum of four hundred nine thousand eight hundred dollars.

Further amend said bill in section 2 by inserting after the figure "8,600.00\*" the following item:

Chandler's Cove Project	38,000.00
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Further amend section 2, by striking out at the end thereof, the words and figures, "Total 371,800.00" and inserting in place thereof, Total 409,800.00, so that section 2 as amended shall read as follows:

2 Recreational. The sum of four hundred nine thousand eight hundred dollars is hereby appropriated for the recreational division, as follows:

Additions to shelter building — Sunapee state park	\$204,000.00	
T-bar type ski lift — Cannon mountain	53,000.00	
Fire protection system at tramway — Cannon mountain	51,000.00	
Addition to Peabody slope building — Franconia	55,200.00	
Engineering services — transfer	8,600.00*	
Chandler's Cove project	38,000.00	
	<hr/>	
Total		409,800.00

\*This amount shall be transferred to the public works division for preliminary engineering, inspection and overhead.

Further amend said bill in section 4 by striking out said section and inserting in place thereof the following:

4 Department of Education. The sum of one million four hundred twenty-one thousand forty-four dollars is hereby appropriated for the department of education as follows:

Dormitory and land for married students — Keene teachers college	\$445,395.00	
Dormitory for women — Plymouth teachers college	975,649.00	
	<hr/>	
Total		\$1,421,044.00*

\*Of this amount \$36,044.00 shall be transferred to the public works division for preliminary engineering, inspection and overhead.

Further amend said bill in section 6, by inserting after the words "Mary Lyon hall and Rounds hall 44,200, the following new item: Rip rap at Great Boar's Head \$25,000.00

Further amend said bill, in section 6, by striking out at the end thereof the words and figures "Total 304,660.00" and inserting in place thereof, Total for deferred maintenance 279,660.00. Further amend said section 6 by striking out the final paragraph, reading "The governor is authorized to draw his warrants for the sums hereby appropriated for deferred maintenance out of any money in the treasury not otherwise appropriated. Any balance of the appropriations made herein shall not lapse until June 30, 1964."

Amend said bill in section 10 by striking out the words and figures "two million nine hundred forty-one thousand nine hundred twenty-seven dollars (\$2,941,927)" and inserting in place thereof, two million nine hundred forty-nine thousand nine hundred twenty-seven dollars (\$2,949,927). By striking out the words and figures, "three hundred seventy-one thousand eight hundred dollars (\$371,800);" and inserting in place thereof, four hundred nine thousand eight hundred dollars (\$409,800.00); By striking out the words and figures "one million three hundred seventy-one thousand forty-four dollars (\$1,371,044.00)" and inserting in place thereof, one million four hundred twenty-one thousand forty-four dollars (\$1,421,044.00); By inserting after the figure "(\$1,690,500)" the following, to provide funds for the appropriation made in section 6 hereof not exceeding the sum of two hundred seventy-nine thousand six hundred sixty dollars (\$279,660.00) so that said section 10 as amended shall read as follows:

10 Borrowing Power. To provide funds for the appropriation made in section 1 hereof, the state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state not exceeding the sum of two million nine hundred forty-nine thousand nine hundred twenty-seven dollars (\$2,949,927); to provide funds for the appropriations made in section 2 hereof not exceeding the sum of four hundred nine thousand eight hundred dollars (\$409,800); to provide funds for the appropriation made in section



3 hereof not exceeding the sum of ten thousand two hundred seventy dollars (\$10,270); to provide funds for the appropriations made in section 4 hereof not exceeding the sum of one million four hundred twenty-one thousand forty-four dollars (\$1,421,044.00); to provide funds for the appropriation made in section 5 hereof not exceeding the sum of one million six hundred ninety thousand five hundred dollars (\$1,690,500.00); and to provide funds for the appropriations made in section 6 hereof not exceeding the sum of two hundred seventy-nine thousand six hundred sixty dollars (\$279,660.00); and for said purposes may issue bonds and notes in the name and on behalf of the State of New Hampshire. The governor and council shall determine the form of such bonds or notes, their rate of interest, the date when interest shall be paid and the time or times of issue. Said bonds and notes are to be paid within a period of ten years. Such bonds or notes shall be signed by the treasurer and countersigned by the governor and shall be deemed a pledge of the faith and credit of the state.

Further amend said bill in section 14, by striking out the words "(1) not exceeding the sum of two million nine hundred forty-five thousand nine hundred twenty-seven dollars," and inserting in place thereof, two million nine hundred forty-nine thousand nine hundred twenty-seven dollars; by striking out the words "(2) not exceeding the sum of three hundred seventy-one thousand eight hundred dollars" and inserting in place thereof, (2) not exceeding the sum of four hundred nine thousand eight hundred dollars; by striking out "(4) not exceeding the sum of one million three hundred seventy-one thousand forty-four dollars" and inserting in place thereof, (4) not exceeding the sum of one million four hundred twenty-one thousand forty-four dollars; and by inserting after the figure "5" at the end of the section the following words and figures, ; and (6) not exceeding the sum of two hundred seventy-nine thousand six hundred sixty dollars for borrowing to provide funds for the purpose of section 6; so that said section 14 as amended shall read as follows:

14 Short Term Notes. Prior to the issuance of the bonds or notes hereunder, the treasurer, under the direction of the governor and council, may for the purposes hereof borrow money from time to time on short term loans, which may be refunded by the issuance of the bonds or notes hereunder. Provided, however, that at no time shall the indebtedness of the

state on short term loans exceed the following sums: (1) not exceeding the sum of two million nine hundred forty-nine thousand nine hundred twenty-seven dollars for borrowing to provide funds for the purposes of section 1; (2) not exceeding the sum of four hundred nine thousand eight hundred dollars for borrowing to provide funds for the purposes of section 2; (3) not exceeding the sum of ten thousand two hundred seventy dollars for borrowing to provide funds for the purpose of section 3; (4) not exceeding the sum of one million four hundred twenty-one thousand forty-four dollars for borrowing to provide funds for the purposes of section 4; (5) not exceeding the sum of one million six hundred ninety thousand five hundred dollars for borrowing for the purposes of section 5; and (6) not exceeding the sum of two hundred seventy-nine thousand six hundred sixty dollars for borrowing to provide funds for the purpose of section 6.

Amend the bill by inserting after section 18 the following new section:

19 Appropriation. The sum of \$127,558.59, being the same amount as the unexpended balance of the funds appropriated by Laws of 1955, Chapter 212, is hereby appropriated to the University of New Hampshire for the purpose of making final payments on the completed construction, furnishings and equipping of the new library building at the university and for the remodeling of the former library building for instructional purposes.

Construction of Statute. The appropriation made under the provisions of section 1 shall be a charge upon the bonds authorized and issued by Laws of 1955, Chapter 212.

Further amend the bill by renumbering section 19 to read 20.

Amend section 7 of said bill by adding a new sub-section IV thereto, so that said section as amended shall read as follows:

7 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To establish the priority of undertaking any projects hereinbefore enumerated;

II. To delete projects or parts of projects provided such deletion is for the public good or is necessary to keep within the funds appropriated; and

III. To cooperate with and enter into such agreements with the federal government or any agency thereof, as they deem advisable, to secure federal funds for the purposes hereof; and

IV. To transfer funds from any project named in section 1 hereof to any other project in said section only in the event of an unforeseen emergency need.

Paul Karkavelas

Henry Goode

Howell Shepard

John King

Agenor Belcourt

Conferees on the part of the House

Cecil Charles Humphreys

Frank T. Buckley

Charles H. Cheney

Conferees on the part of the Senate

On motion of Senator Cheney, under suspension of the rules, the reading of the Report of Committee of Conference was dispensed with.

Senator Cheney explained: "Mr. President, no change was made in the first 3 pages. Then we lost \$4,000 on the generator item at the State Hospital. We held everything else right through until we got to the Keene Teachers College on page 8. We lost \$10,000 there. Cost of the rip-rap project, was cut from \$50,000 to \$25,000. Outside of these, we kept everything as we had it."

Question being on the adoption of the Report of the Committee of Conference.

Senator Humphreys: "Mr. President, I believe there is an error in the typing. I don't now find the amendment that the Senate adopted relating to the transfer of funds. Why does this Committee of Conference report say that the House recedes from its position and the Senate recedes from its position?"

Senator Eaton: "The only amendment that we adopted on this bill on the floor was concerning the impounded funds in connection with the University of New Hampshire."

The President: "The Speaker of the House has just spoken to me about this. The House is of the opinion that it was unintentionally left out and the Committee on Engrossed Bills can take care of it."

Senator Humphreys: "Mr. President, this is a very important bill. Let's be sure that it is in there now. Before we take action, let's have proof that it is an error. I think you are making a big mistake in treating this lightly. This was left out by the House originally, and now, by some strange circumstance, it has been left out again. I move that we insert this paragraph right now."

(Discussion ensued)

Senator Humphreys: "Mr. President, I move that this Committee of Conference report be rejected until it is put in there."

The President: "May I suggest that the report of the Committee of Conference be accepted subject to the inclusion of the words that have been left out."

Senator Humphreys: "I don't think that is the language. I would not accept the report at all. Just because it is 4 o'clock in the morning is no reason not to consider this. I think we should not be too hasty in matters as important as this."

The President: "Our approval is subject to the inclusion of these words."

Senator Humphreys: "If we are going to stay here until the bills are engrossed anyway, I move that the report of the Committee of Conference be accepted subject to the inclusion of the sentence which the Senate previously adopted, relative to transfer of funds."

Senator Battles: "Mr. President, what the Senator from the 24th District is saying is right. I demand a Roll Call."

(Discussion ensued)

Senator Cheney: "Mr. President, I have just checked with Representative King and he tells me that this was left out by mistake. There is no question but what the intent was to put it in. It was in the original bill."

Senator Cheney requested a brief Recess, which request was granted by the Chair.

(Recess)

The Senate reassembled.

The President recognized Senator Cheney: "Mr. President, I wish to advise the Senate that we have included the following in HB 483 as requested by Senator Humphreys. . . ."

Question being on adoption of report of the Committee of Conference on above bill.

On a *viva voce* vote, the report of the Committee of Conference was adopted.

The President: "So far as I know, there are no other bills other than bills the Committee on Engrossed Bills may have on the last two bills."

Senator Cleveland: "I would move that the Senate take up no further business other than what has been announced by the Chair."

On a *viva voce* vote, the motion was adopted.

On motion of Senator Cleveland, the Senate refused to reconsider its vote on the above motion.

The President recognized Senator Battles: Mr. President: "I think the Senate deserves an explanation for this long and tedious wait. The complete responsibility can be laid to one member of the New Hampshire General Court. This member is the Minority Leader of the House, John King of Manchester. He has continually demonstrated his obstructionist's attitude by his complete refusal to sign a Committee of Conference report over three picayune words. I am sure that the people of the State of New Hampshire will remember the obstructionist tactics of this member."

The President recognized Senator Cleveland: "Mr. President, in connection with the remarks of the Senator from the 23rd District, I would like to suggest that probably as good a reason for what he has designated as a "fiasco" in this unnecessarily long delayed session into this morning is the fact that the Conference Committees were not functioning as Conference Committees should be. By that, I mean they were not functioning as independent committees and in some cases there was undue executive interference with their deliberations."

The President: "Now, until we have the Engrossed Bills Committee report, this is all that we have now. I wish to say a few brief remarks. I have tried to be fair since the beginning of the session; I have called the shots as I saw them. If I have offended, I apologize. It was unintentional. I hope that the coming year will be successful for every one of you and to those of you who are hoping and planning to come back in 1963, good luck to you. I want to wish you all the best of luck and will say a prayer that you all stay in the best of health.

Senator Daniel: "I wish to go on record as believing this session is the best session that we have ever had. I will not be a candidate any more. To all of the Senators that I have served with, I wish you all the best and may God bless you."

The President declared a Recess, subject to the call of the Chair.

(Recess)

The Senate reassembled.

On motion of Senator Bergeron, the Senate adjourned from the morning session.

### Afternoon Session

On motion of Senator Paquette, the Senate adjourned.

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SATURDAY, JULY 1, 1961

The Senate met according to adjournment at 1:45 with all members of the Senate present.

### House Message

Mr. President:

The House has voted to adopt the recommendation of the Committee of Conference to whom was referred the following entitled bill:

HB 483, making appropriations for capital improvements, long term repairs and deferred maintenance for the State of New Hampshire.

The Message further stated that the House has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House and Senate Bills, in the adoption of which amendments the House asks the concurrence of the Senate:

HB 209, to clarify and make more uniform the laws relating to banking and to make certain technical amendments thereto.

SB 51, relating to the licensing of auctioneers.

### Committee Report

Senator Monahan, for the Committee on Engrossed Bills:

HB 377, to provide for expansion of the state park system. Report the same under Joint Rule No. 6 with the following amendment and recommend that the bill as amended ought to pass.

Amend line 4 of section 10 of the bill by striking out the words "word, recreational" therein and inserting in place thereof the words, words, and recreational.

Amend section 13 of the bill by inserting after the figure "13" the following, Statement of Opinion.

Amend section 14 of the bill by inserting after the figure "14" the words, Competitive Bidding.

On motion of Senator Monahan, the Senate voted to concur in the adoption of the amendment.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled Bills:

HB 230, relative to liability for education of children in foster homes.

HB 297, relative to school buses.

HB 395, relative to free registration number plates for emergency vehicles.

HB 402, relative to credit unions.



HB 471, relative to the salaries of the Secretary of State and the State Treasurer.

SB 157, to create the Littleton Parking District.

HB 419, relative to the salaries of registers and deputy registers of probate.

HB 475, providing for the taxation of banks.

HB 463, to incorporate the inhabitants of the easterly part of Lisbon into a separate town, with all the privileges and immunities of other towns in this state.

SB 107, relative to salaries of legislative attachés.

Robert S. Monahan  
For the committee

### Committee Report

Senator Monahan, for the Committee on Engrossed Bills:

HB 209, to clarify and make more uniform the laws relating to banking and to make certain technical amendments thereto.

Report under Joint Rule No. 6 with the following amendment:

Amend section 10 of the bill by striking out said section and inserting in place thereof the following:

10 Other Evidence of Deposit Account. Amend RSA 386 by inserting after section 53 thereof, as inserted by 1961, 195:1, the following new section:

386:54 Savings Accounts Without Passbooks. It shall be lawful for all savings banks and savings departments subject to this chapter to accept deposit accounts which are to be appropriately evidenced by a document other than a passbook or bank book. The provisions of sections 21 to 23 inclusive, section 31 to 33 inclusive, and section 39 of this chapter shall apply to such other evidence of deposit account.

On motion of Senator Monahan, the Senate voted to concur in adoption of the amendment.

**House Message**

Mr. President:

The House has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

HB 377, to provide for expansion of the state park system.

The President declared a Recess.

(Recess)

The Senate reassembled.

**Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled Bills:

HB 209, to clarify and make more uniform the laws relating to banking and to make certain technical amendments thereto.

SB 51, relating to the licensing of auctioneers.

HB 43, regulating small loans and providing for disclosure of finance charges generally.

HB 225, relative to state guarantee of mortgages on industrial buildings.

Robert S. Monahan  
For the Committee

**Committee Report**

Senator Monahan, for the Committee on Engrossed Bills:

HB 377, to provide for expansion of the state park system. Having considered the same, report same under Joint Rule No. 6 with the following amendment and recommend that the bill as amended ought to pass.

Amend section 6 of the bill by striking out in line three thereof the number "4" and inserting in place thereof the numeral, 5.

Senator Monahan: "Mr. President, I move that the Senate adopt this amendment as has already been reported. The En-

grossed Bills Committee has examined the pending bill and found what is very evidently a technical error in a wrong reference to an applicable paragraph. This mistake was confirmed by the Senate Counsel, the Majority floor leader who also acted as Conferee on the part of the Senate in considering this bill and the Senator from the 24th District. We all agree that this change is technical, by the obvious error."

On a *viva voce* vote, the Senate voted to concur in adoption of the amendment.

The President declared a Recess.

(Recess)

The Senate reassembled.

### Committee Report

Senator Monahan, for the Committee on Engrossed Bills:

HB 483, making appropriations for capital improvements, long term repairs and maintenance for the State of New Hampshire. Having considered the same, report same under Joint Rule No. 6 with the following amendment and recommend that the bill as amended ought to pass.

Amend section 19 of the bill by striking out in line eight thereof the word and figure "section 1" and inserting in place thereof the following, this section.

Senator Monahan: "Mr. President, I move adoption and in this case, I think the Honorable Senate would be very happy to know that this bill that we have just accepted was examined and approved in the presence of our two Conferees, Senators Cheney and Battles."

On a *viva voce* vote, the Senate voted to concur in adoption of the amendment.

### Committee Appointments

Pursuant to the provisions of HB 290, An Act creating a bank advisory board, the President appointed as a member of said committee (1) Senator Bergeron.

Pursuant to the provisions for membership on the Legislative Council, the President appointed as members of such

committee on the part of the Senate (3) Senators Battles, Humphreys and Caron.

Pursuant to the provisions of SJR 3, to provide for appointment of interim commission on education to study organization of school districts and higher educational facilities of the state, the President appointed as members of said committee on the part of the Senate (3) Senators Green, Holmes and Provost.

Pursuant to the provisions of the RSA chapter 167:A:1, State Council on the Problems of the Aging, the President appointed as a member of such Committee, Senator Phillips.

Pursuant to the provisions for membership on the Economic Growth Survey Council the President appointed as members of such committee on the part of the Senate (2) Senators English and Daniel.

Pursuant to the provisions of HB 165, relative to expenditures of state appropriations, the President appointed as a member of the Advisory Budget Control Committee one member of the Senate Finance Committee, (The Chairman to be an ex-officio member) Senator Gardner.

Pursuant to the provisions of Concurrent Resolution for a study of amount of state contribution toward municipal sewage disposal facilities, the President appointed as a member to said committee on the part of the Senate (1) Senator Monahan.

Pursuant to the provisions of Concurrent Resolution relative to the profile in Franconia Notch plaque for Geddes and Reverend Roberts, the President appointed as a member of such committee on the part of the Senate (1) Senator Drake.

Pursuant to the provisions of SB 98, relative to mufflers on motor vehicles, the President appointed as a member of such committee on the part of the Senate (1) Senator Lamontagne.

Pursuant to the provisions of HB 46, relative to salaries of state officials and employees, the President appointed as a member of such committee on the part of the Senate (1) Senator Cheney.

Pursuant to the provisions of Concurrent Resolution in relation to the study between the New Hampshire laws and the Uniform Vehicle Code, the President appointed as members of

such committee on the part of the Senate (3) Senator Buckley, Cleveland and Eaton.

### **Indefinitely Postponed**

The Senate has voted by final adjournment resolution to indefinitely postpone the following entitled bills and captioned joint resolutions:

In accordance with the Concurrent Resolution that all bills and joint resolutions pending in either branch on Saturday, July 1st, at 3 o'clock in the morning, be indefinitely postponed, the following entitled bills and captioned joint resolutions were indefinitely postponed:

SB 1, provide partial relief for commercial account in Valley Trust Co.

SB 3, relative to protection at railroad crossings.

SB 11, cancellation of motor vehicle liability insurance policies.

SB 17, salaries of state officials and employees.

SB 24, reclassifying certain highways in Rollinsford.

SB 31, to provide aid to local school districts.

SB 71, budgets of police departments.

SB 75, reorganizing the council on resources and development and providing an executive coordinator thereof.

SB 110, establishing a special fund for payment to persons killed or injured from accidental shooting.

SB 111, requiring examination before the issuance of hunting licenses.

SB 114, discharge and temporary absences of inmates at state hospital.

SB 122, duties of clerk of school district.

SB 132, relative to registration of barber shops.

SB 141, abolishing the town of Ellsworth.

SB 146, amending the laws relative to education.

SB 152, relative to limitation of weight on certain motor vehicles.

HB 35, damage to domestic livestock by hunters.

HB 80, relative to fees and bonds for fish and game agents and eliminating the so-called stamp for fish and game licenses.

HB 103, naming the Walter Swett Memorial Drive.

HB 182, to increase the parliamentary rights of the mayor of Nashua.

HB 239, Relative to life, accident, medical, surgical and hospitalization insurance benefits for employees of the city of Berlin and their dependents.

HB 274, relative to the salaries of the mayor and board of aldermen of the city of Nashua.

HB 298, limit period for which past due support of institutional inmates may be recovered and rate for support of inmates at Laconia State School.

HB 337, charter of Orford Fire Engine Co.

HB 339, marking fishing holes cut in ice on Great Bay.

HB 361, to provide for a maximum size for lobsters.

HB 350, liability in operation of air navigation facilities.

HB 385, authorizing superintendent of state police to establish a police training school.

HB 392, disposition of professional fees.

HB 439, conduct of sweepstake races and the sale of tickets thereon.

HB 451, relative to maintenance allotment by the state for Class IV and V highways.

HJR 36, in favor of Fred Lahaye.

HJR 46, providing for a study of the criminal law of the state.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

HB 377, to provide for expansion of the state park system.

HB 483, making appropriations for capital improvements, long term repairs and maintenance for the State of New Hampshire.

Robert S. Monahan  
For the Committee

(Recess)

The Senate reassembled.

Senator Battles, for the Senate Committee appointed to wait upon His Excellency, the Governor, and inform him that the Legislature has completed the business of the session, and is ready to receive any communication he might be pleased to make, reported that they had attended to their duties and had been informed by His Excellency that he had a communication to make to the Legislature.

The report was accepted, and the Senate went into the Representatives Hall to meet in Joint Convention with the House of Representatives to receive His Excellency, the Governor, and to receive communication from him.

(Recess)

(See House Journal)

On motion of Senator Battles, the Joint Convention did arise.

The Senate reassembled.

His Excellency, the Governor then came into the Senate Chamber and addressed the Senate briefly, expressing his sincere appreciation for the loyalty, support and cooperation of the members of the Senate during the session.

The Governor then stated: "I have been informed by the Joint Committee of the Senate and House of Representatives that you have completed the business of the session. Therefore, now, by the authority vested in me as Governor, I do hereby declare the General Court adjourned to the last Wednesday in December in the year of Our Lord one thousand nine hundred and sixty-two."



Upon the departure of Governor Wesley Powell, President Samuel Green declared the Senate adjourned until the last Wednesday in December, 1962.

BENJAMIN F. GREER

Clerk

A true copy attest:

BENJAMIN F. GREER

Clerk

## APPENDIX I



# APPENDIX I

## Final Disposition of Bills and Resolutions

### SENATE BILLS

SB 1, provide partial relief for commercial account in Valley Trust Co.

**Killed.**

SB 2, incompatible town offices.

**Killed.**

SB 3, protection at railroad crossings.

**Killed.**

SB 4, increasing salary of the Hillsborough County Attorney.

**Killed.**

SB 5, state and town bridge aid.

**Killed.**

SB 6, performance bonds on federal aid highway projects.  
**Engrossed.** Chapter 8, Laws of 1961.

SB 7, education assistance to the blind.

**Killed.**

SB 8, Nesmith Trust Fund.

**Engrossed.** Chapter 141, Laws of 1961.

SB 9, duties of the state historical commission as to erection of historic signs.

**Engrossed.** Chapter 31, Laws of 1961.

SB 10, penalty for intimidation of state officials and employees.

**Killed.**

SB 11, cancellation of motor vehicle liability insurance policies.

**Killed.**

SB 12, classification of a highway in city of Lebanon.

**Engrossed.** Chapter 17, Laws of 1961.

SB 13, variance in federal census figures for apportionment of state representatives.

**Engrossed.** Chapter 91, Laws of 1961.

SB 14, changing classification of a highway in town of Haverhill.

**Killed.**

SB 15, in relation to Hillsborough guarantee savings bank.

**Engrossed.** Chapter 314, Laws of 1961.

SB 16, naming interstate highway the General Frank D. Merrill Highway.

**Engrossed.** Chapter 7, Laws of 1961.

SB 17, salaries of state officials and employees.

**Killed.**

SB 18, providing for election of county commissioners for the county districts of Coos County.

**Engrossed.** Chapter 59, Laws of 1961.

SB 19, school of business at the University of New Hampshire.

**Engrossed.** Chapter 46, Laws of 1961.

SB 20, liability for support in certain cases.

**Engrossed.** Chapter 18, Laws of 1961.

SB 21, contributions from cities and towns on Class II highways.

**Killed.**

SB 22, eminent domain proceedings by housing authorities.

**Engrossed.** Chapter 13, Laws of 1961.

SB 23, relating to the American Flag.

**Engrossed.** Chapter 65, Laws of 1961.

SB 24, reclassifying certain highways in Rollinsford.

**Engrossed.** Chapter 229, Laws of 1961.

SB 25, fees for fish and game licenses, and eliminating the so-called stamp.

**Engrossed.** Chapter 32, Laws of 1961.

SB 26, automobile liability insurance.

**Engrossed.** Chapter 77, Laws of 1961.

SB 27, relating to the salary of the mayor of the city of Nashua.

**Engrossed.** Chapter 319, Laws of 1961.

SB 28, relating to bonds for housing and redevelopment projects.

**Engrossed.** Chapter 39, Laws of 1961.

SB 29, relating to authority of fish and game director to control porcupines in remote areas.

**Killed.**

SB 30, relative to qualification for serving of liquor or beverages.

**Killed.**

SB 31, to provide aid to local school districts.

**Killed.**

SB 32, relative to assistance to needy blind.

**Engrossed.** Chapter 50, Laws of 1961.

SB 33, relating to fraternal benefit societies.

**Engrossed.** Chapter 235, Laws of 1961.

SB 34, establishing the emergency interim succession act.

**Engrossed.** Chapter 51, Laws of 1961.

SB 35, broaden the curriculum at teachers colleges.

**Engrossed.** Chapter 71, Laws of 1961.

SB 36, apply principles of home rule to establishing salaries, city officials and employees.

**Engrossed.** Chapter 36, Laws of 1961.

SB 37, permitting property tax exemption of ski areas, certain conditions.

**Killed.**

SB 38, enable towns and cities to contribute to ski areas, certain conditions.

**Killed.**

SB 39, superstructures over highways in cities.

**Engrossed.** Chapter 110, Laws of 1961.

SB 40, exempting state owned motor vehicles from payment of road toll.

**Killed.**

SB 41, empowering town of Derry to establish department of public works.

**Killed.**

SB 42, attorney general to represent city or town in certain tax abatement proceedings.

**Engrossed.** Chapter 52, Laws of 1961.

SB 43, overpayment of income taxes.

**Engrossed.** Chapter 207, Laws of 1961.

SB 44, relating to devises and bequests to trusts.

**Engrossed.** Chapter 56, Laws of 1961.

SB 45, special licenses for lounges at municipal airports.

**Engrossed.** Chapter 137, Laws of 1961.

SB 46, assessment of taxes.

**Engrossed.** Chapter 33, Laws of 1961.

SB 47, taxation of road building, construction equipment used temporarily.

**Engrossed.** Chapter 79, Laws of 1961.

SB 48, amending the financial responsibility act.

**Killed.**

SB 49, establishing dept. health, welfare, and providing for merger therein of certain depts. and agencies within state government.

**Engrossed.** Chapter 222, Laws of 1961.

SB 50, state remove names of candidates not qualified to be on ballot.

**Engrossed.** Chapter 152, Laws of 1961.

SB 51, licensing of auctioneers.

**Engrossed.** Chapter 247, Laws of 1961.

SB 52, licensing of dogs.

**Killed.**

SB 53, to correct reference in statutes to the state department of health laboratory.

**Engrossed.** Chapter 236, Laws of 1961.

SB 54, concerning benefits provided by fraternal societies.

**Killed.**

SB 55, trespassing on private roadways with a motor vehicle.

**Engrossed.** Chapter 92, Laws of 1961.



SB 56, motor vehicle fees.

**Killed.**

SB 57, extending the powers of the Maine-New Hampshire interstate bridge authority.

**Engrossed.** Chapter 257, Laws of 1961.

SB 58, permission to towns to appropriate money for payment for association dues.

**Engrossed.** Chapter 81, Laws of 1961.

SB 59, affidavits to be signed by candidates for office of state representative or senator.

**Engrossed.** Chapter 53, Laws of 1961.

SB 60, increasing salary of clerk of Portsmouth Municipal Court.

**Engrossed.** Chapter 82, Laws of 1961.

SB 61, town appropriations under the municipal budget laws.

**Engrossed.** Chapter 69, Laws of 1961.

SB 62, information reports from so-called small business corporations.

**Engrossed.** Chapter 70, Laws of 1961.

SB 63, registration of electricians.

**Killed.**

SB 64, compensation of Cheshire County Commissioners.

**Engrossed.** Chapter 80, Laws of 1961.

SB 65, State of New Hampshire may enter into a compact with any of New England states to provide for control, develop, and execution of programs of cooperation for confinement, treatment and rehabilitation of offenders.

**Engrossed.** Chapter 101, Laws of 1961.

SB 66, encourage private development of public lands.

**Killed.**

SB 67, collection of taxes from contractors and subcontractors.

**Engrossed.** Chapter 165, Laws of 1961.

SB 68, annual report of the racing commission.

**Engrossed.** Chapter 93, Laws of 1961.

SB 69, disposition of certain abandoned property.

**Engrossed.** Chapter 204, Laws of 1961.

SB 70, prohibiting suspension of liquor licenses without hearing.

**Killed.**

SB 71, budgets of police departments.

**Killed.**

SB 72, election of county commissioners for districts of Merrimack County.

**Engrossed.** Chapter 240, Laws of 1961.

SB 73, change personnel of board of managers of the New Hampshire soldiers' home.

**Engrossed.** Chapter 105, Laws of 1961.

SB 74, completion of state highway project in town of Andover.

**Killed.**

SB 75, reorganizing the council on resources and development and providing an executive coordinator thereof.

**Killed.**

SB 76, taxation of corporation property.

**Engrossed.** Chapter 113, Laws of 1961.

SB 77, bonds for public works.

**Engrossed.** Chapter 230, Laws of 1961.

SB 78, relative to investments legal for trustees.

**Engrossed.** Chapter 94, Laws of 1961.

SB 79, relative to investments legal for guardians and conservators.

**Engrossed.** Chapter 95, Laws of 1961.

SB 80, relative to homestead right of minor children.

**Engrossed.** Chapter 96, Laws of 1961.

SB 81, authorizing towns to appropriate monies for ski areas.

**Killed.**

SB 82, attachment liens.

**Engrossed.** Chapter 100, Laws of 1961.

SB 83, tax assessments in unincorporated places.

**Engrossed.** Chapter 106, Laws of 1961.

SB 84, provide relief from double taxation for the support of public schools.

**Killed.**

SB 85, classification of a highway in town of Greenfield and Frankestown.

**Killed.**

SB 86, term of office of highway agents in town of Freedom.

**Killed.**

SB 87, appropriate sufficient money to enable state to make equal contributions.

**Engrossed.** Chapter 27, Laws of 1961.

SB 88, grant tax exemption to national veterans associations.

**Engrossed.** Chapter 233, Laws of 1961.

SB 89, charter of Cheshire County savings bank, amend.

**Engrossed.** Chapter 326, Laws of 1961.

SB 90, minimum service retirement benefits.

**Killed.**

SB 91, amend the teachers retirement system.

**Engrossed.** Chapter 259, Laws of 1961.

SB 92, retirement benefits for Hazel D. Lord, beneficiary under nomination of Edgar L. Lord, et al.

**Engrossed.** Chapter 158, Laws of 1961.

SB 93, detention of children in the state prison.

**Judicial Council.**

SB 94, charter of Mt. St. Mary's Convent of Sisters of Mercy of Manchester.

**Engrossed.** Chapter 323, Laws of 1961.

SB 95, requiring an executor to execute and record a deed of bequeathed property.

**Judicial Council.**

SB 96, require notation of line agreements.

**Judicial Council.**

SB 97, powers of county commissioners over parking areas at county court houses.

**Killed.**

SB 98, mufflers on motor vehicles.

**Engrossed.** Chapter 205, Laws of 1961.

SB 99, regulate sale and use of hydraulic brake fluids for motor vehicles.

**Engrossed.** Chapter 151, Laws of 1961.

SB 100, notice of cutting and report of cut under so-called timber tax law.

**Engrossed.** Chapter 111, Laws of 1961.

SB 101, prohibiting use of certain boats on Abbott Forest Pond in Stoddard.

**Engrossed.** Chapter 171, Laws of 1961.

SB 102, establishing a division of boards and commissions within department of administration and control.

**Killed.**

SB 103, requiring earlier application by voters demanding inserting of an article in warrant.

**Killed.**

SB 104, jurisdiction of state over air bases.

**Judicial Council.**

SB 105, petitions for inquiry under the sexual psychopath act.

**Engrossed.** Chapter 114, Laws of 1961.

SB 106, requiring the filing of flight plans.

**Killed.**

SB 107, salaries of legislative attaches.

**Engrossed.** Chapter 280, Laws of 1961.

SB 108, permanent police officers.

**Engrossed.** Chapter 153, Laws of 1961.

SB 109, provide full pay for employees of state police incapacitated in line of duty subject to certain conditions.

**Legislative Council.**

SB 110, establishing a special fund for payment to persons killed or injured from accidental shooting.

**Killed.**

SB 111, requiring examination before the issuance of hunting licenses.

**Killed.**

SB 112, increasing powers of college of advanced science.

**Engrossed.** Chapter 331, Laws of 1961.

SB 113, foster day care homes.

**Engrossed.** Chapter 135, Laws of 1961.

SB 114, discharge and temporary absences of inmates at state hospital.

**Killed.**

SB 115, changing classification of Thompson Avenue.

**Killed.**

SB 116, in favor of Milo H. Cheney.

**Engrossed.** Chapter 154, Laws of 1961.

SB 117, repeal chapter 264 of Laws of 1921, relative to highways in the town of Goffstown.

**Engrossed.** Chapter 336, Laws of 1961.

SB 118, establish new apportionment for the assessment of public taxes.

**Engrossed.** Chapter 159, Laws of 1961.

SB 119, medical assistance for the aged.

**Engrossed.** Chapter 271, Laws of 1961.

SB 120, relative to jurisdiction of director of tobacco products division.

**Engrossed.** Chapter 172, Laws of 1961.

SB 121, tattooing of minors.

**Engrossed.** Chapter 144, Laws of 1961.

SB 122, duties of clerk of school district.

**Killed.**

SB 123, impose an operating fee on aircraft.

**Engrossed.** Chapter 261, Laws of 1961.

SB 124, to validate the annual meeting of Allentown School district.

**Engrossed.** Chapter 325, Laws of 1961.

SB 125, legalizing the organization meeting and first annual meeting of the Monadnock Regional School District.

**Engrossed.** Chapter 333, Laws of 1961.

SB 126, for the encouraging of community colleges.

**Engrossed.** Chapter 155, Laws of 1961.

SB 127, providing for the removal of names from checklists in certain cases.

**Legislative Council.**

SB 128, relating to fire prevention in nursing homes.

**Engrossed.** Chapter 237, Laws of 1961.

SB 129, relative to the department of employment security.

**Engrossed.** Chapter 179, Laws of 1961.

SB 130, relative to notice to department of employment security of licensed employment offices.

**Engrossed.** Chapter 173, Laws of 1961.

SB 131, relating to stamps, coupons, tickets, certificates, cards or other similar devices.

**Killed.**

SB 132, relative to registration of barber shops.

**Killed.**

SB 133, to enlarge the rights of students under 21 years of age to contract to borrow money to finance higher education.

**Engrossed.** Chapter 189, Laws of 1961.

SB 134, relating to La Caisse Populaire Ste. Marie or St. Mary's Bank.

**Engrossed.** Chapter 342, Laws of 1961.

SB 135, to repeal charters of certain corporations.

**Engrossed.** Chapter 341, Laws of 1961.

SB 136, making a legislative finding of fact relating to Communism; requiring the teaching of a course of study in.

**Referred to Education with Resolution.**

SB 137, relative to chiropractice and the duties of the board of examiners.

**Killed.**

SB 138, to provide for recording of instruments and acts in unincorporated places which have no clerk.

**Engrossed.** Chapter 187, Laws of 1961.

SB 139, increasing the salary of the Belknap county attorney.

**Engrossed.** Chapter 208, Laws of 1961.

SB 140, relative to trespassing on uncultivated land.

**Engrossed.** Chapter 238, Laws of 1961.

SB 141, abolishing the town of Ellsworth.

**Killed.**

SB 142, to establish a uniform motor vehicle certificate of title and anti-theft act.

**Judicial Council.**

SB 143, extending the time when expenditures can be made from certain aeronautical appropriations.

**Engrossed.** Chapter 260, Laws of 1961.

SB 144, controlling the use of house boats.

**Legislative Council.**

SB 145, relative to teaching persons to drive.

**Engrossed.** Chapter 231, Laws of 1961.

SB 146, amending the laws relative to education.

**Killed.**

SB 147, pertaining to Dillant-Hopkins airport.

**Engrossed.** Chapter 217, Laws of 1961.

SB 148, establishing the penalty for collusive bidding on contracts for public works or purchase.

**Engrossed.** Chapter 227, Laws of 1961.

SB 149, relative to insurance police employees.

**Legislative Council.**

SB 150, relative to the financing of the Lebanon Regional Airport and the contribution towards financing the same.

**Engrossed.** Chapter 272, Laws of 1961.



SB 151, legalizing the annual meeting of the town of Newbury.

**Engrossed.** Chapter 347, Laws of 1961.

SB 152, relative to limitation of weight on certain motor vehicles.

**Killed.**

SB 153, relative to construction on educational buildings.

**Killed.**

SB 154, legalizing the proceedings of the annual school district meeting of Kensington held March 11, 1961 and adjournment to May 20, 1961 and authorizing a bond issue accordingly.

**Engrossed.** Chapter 351, Laws of 1961.

SB 155, legalizing the annual town meeting held in the town of Roxbury in 1961.

**Engrossed.** Chapter 339, Laws of 1961.

SB 156, relative to state employees retirement system.

**Killed.**

SB 157, to create the Littleton parking district.

**Engrossed.** Chapter 357, Laws of 1961.

SB 158, relative to the military staff of the governor.

**Engrossed.** Chapter 239, Laws of 1961.

SB 159, to enable towns and cities to contribute to ski areas under certain conditions.

**Killed.**

SB 160, permitting property tax exemption of ski areas under certain conditions.

**Killed.**

SB 161, relative to salaries for classified and unclassified state employees.

**Killed.**

## SENATE JOINT RESOLUTIONS

SJR 1, relative to improving ski area facilities in New Hampshire.

**Engrossed.** Chapter 282, Laws of 1961.

SJR 2, providing an appropriation toward the repair and improvement of the Berlin or Nansen ski jump.

**Killed.**

SJR 3, to provide for appointment interim commission on education to study organization school district and higher educational facilities of state.

**Engrossed.** Chapter 291, Laws of 1961.

SJR 4, in favor of Ramona Terranova.

**Killed.**

SJR 5, Berton B. Hiller.

**Engrossed.** Chapter 290, Laws of 1961.

SJR 6, in favor of the estate of Maier Melber.

**Killed.**

SJR 7, in favor of William St. Cyr.

**Engrossed.** Chapter 294, Laws of 1961.

SJR 8, directing an investigation into advisability of authorizing consumer counsels in this state.

**Legislative Council.**

SJR 9, to provide protection for Boar's Head at Hampton.

**Killed.**

SJR 10, creating the Nashua Airport authority.

**Killed.**

SJR 11, in favor of Mrs. Hattie M. Drake.

**Engrossed.** Chapter 308, Laws of 1961.

SJR 12, to pay certain judgments against the state of New Hampshire.

**Engrossed.** Chapter 311, Laws of 1961.

SJR 13, to continue the committee on investigation of gasoline and fuel oil prices.

**Killed.**

SJR 14, in favor of Robert McPhee.

**Killed.**



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	378, 379, 380, 381, 1050
Damage to game .....	384, 385, 499, 500, 508, 519, 544, 566
Dartmouth college trustees, relating to .....	169, 170, 228, 239, 243
Data processing system, relating to .....	372, 472, 473, 477, 489, 504
Dealers, poultry, licensing of .....	348, 349, 513, 516, 542
Deer, taking of, one season .....	352, 353, 428, 430, 432, 435, 437, 529
	531, 535, 611, 613, 844, 921, 922
	949, 951, 956, 975, 977, 978, 1028
Deer, transportation of .....	384, 385, 459, 464, 504
Defense, civil, fire & rescue training center ...	649, 651, 833, 834, 865, 888
Defunction, adulteration of milk .....	64, 65, 176, 177, 185, 232
Department, employment security .....	423, 484, 486, 505, 507
	532, 535, 611, 666

Department, public works, Derry .....	79,	191,	224,	921
Department, safety, establishing a .....	493, 558, 559, 561, 563, 565			
	567, 575, 583, 605, 611, 623			
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Depositors, partial relief for, Valley Trust .....	11, 425, 426, 427, 1049			
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Dining hall, construction of .....	536, 540, 750, 755, 812			
Discharge, inmates state hospital .....	320, 1019			
Discharging firearms, relating to .....	287, 288, 321, 332, 349			
	621, 622, 628, 841, 970			
Disinfection public water supply .....	574, 575, 797, 814, 888			
Disposal, public works, papers .....	136, 137, 994, 995, 1013, 1014			
Disposition, abandoned property .....	156, 584, 585, 596, 773, 842			
Disposition, professional fees .....	568, 1050			
Division, archives, establish .....	649, 651, 778, 779, 780, 786, 888			
Division, boards and commissions .....	241, 400, 403, 404, 407			
	410, 411, 461, 462			
Dogs, licensing of .....	106, 288, 296, 414			
Domestic rabbits, taxation .....	287, 288, 396			
Dormitory, construction of, U.N.H. ....	536, 540, 749, 755, 812			
Double taxation, relief of .....	188, 284, 285			
Dover, salary of justice .....	393, 394, 441, 448, 460, 504, 410			
Dover, salary of mayor .....	948			
Drake, Hattie M., in favor of .....	615, 776, 786, 898, 969			
Duplicate fish and game license, issuance of ..	466, 467, 577, 582, 598, 606			
Durham, town of, acquisition Adams property	611, 615, 834, 835, 864, 889			
Durham, town of, method of deer taking ....	186, 187, 335, 336, 346, 354			
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	238, 250, 269			
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Education for intellectually retarded children .....	649, 751, 781, 787, 888			
Education, liability for, children in foster homes .....	758, 915, 1044			
Educational assistance to blind .....	12, 57, 58, 63, 154			
Educational buildings, construction of .....	758, 821, 822			
Educational, television stations, operation of .....	537, 541, 750, 769			
	770, 772, 814, 859			
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Election, county commissioners, Merrimack .....	159, 752, 755, 898			
	962, 963, 991			
Election, representatives, relating to ...	921, 925, 970, 981, 982, 983, 1017			
Election, school district officers .....	438, 439, 471, 472, 477, 505			
Ellsworth, town of, abolishment of .....	553, 587, 588, 1049			
Emergency Interim Succession Act, establish .....	57, 98, 294, 298			
Employees, Berlin, retirement system .....	92, 917, 918, 920, 952, 991			
Employees retirement system, relating to .....	845, 952			
Employees, State Police, full pay for .....	300, 320, 321, 332, 975			
Employment, department of, relative to ....	423, 484, 485, 486, 505, 506			
	507, 532, 533, 535, 611, 666			
Engineering professional, practice of .....	100, 101, 142, 144, 154			
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	328, 427, 444, 460, 476, 504, 534, 541, 566			
	572, 810, 818, 822, 841, 859, 874, 888, 912			
	968, 985, 990, 995, 1016, 1028, 1044, 1050, 1051			
Erection of signs, historical commission .....	11, 60, 61, 63, 170, 233			

Establishing, department of safety .....	493, 558, 560, 562, 564, 567
	575, 576, 583, 605, 611, 623
Establishing, department of public works, Derry .....	79, 191, 224, 921
Establishing, division boards & commissions .....	241, 400, 402, 405
	408, 410, 461, 462
Establishing, division records management .....	649, 651, 778, 779
	780, 786, 888
Exemptions, Tax, National Veterans Asso. ....	190, 761, 771, 853
	899, 900, 969
Exeter, legalizing town meeting in .....	627, 629, 946, 969, 1016

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Farming, defining .....	352, 354, 513, 516, 542
Federal aid highway projects, relative to .....	11, 60, 63, 101
Fee, operating, on aircraft .....	385, 503, 819, 820, 829, 913, 1014, 1029
Fees, entrance, of Credit Unions .....	272, 275, 569, 574, 586
Fees, fish and game licenses .....	44, 93, 98, 187, 233
Fees, private boat registration .....	455, 456, 570, 574, 606
Fees, receiving stations for milk .....	308, 475, 476, 489, 504
Finance, motor vehicle sales .....	352, 354, 601, 602, 610, 627, 669, 822
Financing, industrial waste treatment .....	287, 288, 423, 437, 443, 444
	445, 505, 484, 488, 611, 666
Financing, insurance agents .....	611, 615, 873, 874
Financing, Lebanon Regional airport .....	615, 748, 755, 898, 991
Financing, responsibility act, amending .....	85, 98, 322, 323, 343, 344, 345
Fire control, board of, relative to .....	816, 818, 872, 873, 874, 912
Fire fighters, training of .....	972, 975, 984, 985, 1017
Fire prevention, nursing homes .....	422, 599, 600, 601, 609, 955, 991
Fire prevention code, adoption of .....	86, 243
Firearms, discharge of, relating to .....	536, 540, 569
Firearms, discharging of .....	287, 288, 321, 322, 332
	349, 621, 628, 841, 970
Firearms, safe handling, by minors .....	466, 467, 662, 663, 668, 762
Firearms use, New Castle .....	333, 335, 459, 464, 504
Fish and game director, authority of .....	48, 123, 124, 129, 187
Fish and game forfeiture .....	56, 57, 94, 95, 98, 125
Fish and game licenses, non resident .....	466, 467, 577, 578
	582, 598, 614, 666
Fish and game licenses, resident members .....	466, 467, 585, 596, 606
Fish, forfeiture of, illegally imported .....	56, 93, 98, 125
Fisher, open season taking of .....	333, 335, 496, 497, 508, 547, 566
Fishing licenses, revocation of .....	333, 334, 391, 392, 427
Flight plans, filing of .....	281, 316, 317
Fluids, hydraulic brake, sale of .....	241, 315, 317, 479, 537, 538, 566
Forest Hills Hotel, operation of .....	136, 137, 159, 170, 179
Fort Dearborn State Park, operation of .....	466, 467, 759, 760, 771, 813
Fort No. 4, appropriation for .....	963, 1011, 1028
Foster day care homes, relating to .....	320, 389, 392, 466, 505
Franklin, city of, salaries of mayor .....	308, 524, 525, 535, 545, 825
	827, 830, 906, 919, 991
Franklin, city of, salary, city treasurer .....	250, 300, 304, 329
Fraternal benefit societies ..	57, 245, 246, 249, 856, 857, 907, 919, 991
Fraternal benefit societies, concerning .....	106, 247
Free registration, number plates .....	773, 774, 916, 920, 947
	948, 1011, 1014, 1044
Freedom, town of, term of office, agents .....	189, 301, 304, 509
Frozen desserts, relative to .....	224, 225, 289, 290, 297, 319, 356
Fund, special, payments accidental shortages .....	305, 364, 366, 367
	378, 380, 1049
Funds, completion forest aid payments .....	455, 456, 777, 786, 812
Funds, eastern N. H. turnpike .....	137, 138, 251, 252, 309, 317, 329

Funds, nursing scholarship program .....	598,	777,	786,	888
Funds, use of by credit unions .....	611, 615,	775,	776,	787, 889

## G

Game Hunting, with dogs .....	384, 385,	499,	500,	508,	519,	544,	566
Goffstown, classification of highway .....	305,	467,	570,	586			
Goffstown, establishment of branch bank .....	668,	669,	901,	902,	903		
Grading, apples .....	387,	388,	496,	508,	542		
Grafton county attorney, salary of .....	372,	397,	412,	444			
Great Bay, cutting ice on .....	466,	467,	1050				
Greenfield, classification of highway .....	188,	501,	502				
Government, municipal, location of .....	169, 170,	272,	243,	244,	293		
Governor, military staff of .....	901,	914,	995				
Guardians, legal investments for .....	188,	242,	244,	352,	378		

## H

Hampton, Municipal Development Authority	830,	925,	926,	927,	952,	991	
Hanover, establish interstate school district in	384,	385,	424,	425,	437,	476	
Haverhill, town of, classification highway .....	11,	500,	501,	508,	921		
Health and welfare, establishing department of ...	98,	195,	197,	199,	201		
	203,	205,	208,	211,	214,	217,	219
	220,	223,	589,	591,	594,	595,	842
Health, state board of, eliminating reports .....	100,	101,	176,	185,	232		
Higher education, borrowing rights of students for .....	467,	520,	521				
	535,	773,	812				
Hiller, Berton B., in favor of .....	146,	193,	224,	466,	505		
Hillsborough, county attorney, salary of .....	11,	31,	32,	33			
Hillsborough county commissioners, salaries of .....	479,	523,	543,	565			
	571,	572,	583,	586			
Hillsborough Guaranty Savings Bank, relating to .....	11,	45,	46,	90			
Home rule, principles of establishing salaries .....	65,	98,	240,	269			
Homestead right, minor children .....	188,	242,	244,	252,	378		
Homicide, against persons, relating to..	186,	187,	258,	260,	262,	265,	267
Hopkins-Dillant Airport, pertaining .....	583,	749,	755,	853,	888		
Horses, sale of, for slaughter .....	268,	271,	293,	272,	275,	336,	346, 356
Hotels, sale of, liquor by .....	816,	818,	903,	904,	905,	919,	968
House boats, controlling use of .....	553,	661,	662,	667			
House, correction designated, Rockingham .....	86,	122,	123,	129,	143		
House trailers, taxation of .....	157,	158,	255,	257,	270,	281	
	288,	291,	292,	293,	302		
Housing authorities, eminent domain, proceedings by .....	31,	53,	55				
			105,	126			
Housing projects, bonds for .....	44,	76,	77,	78,	240,	278	
Hunters, livestock, damage by .....	56,	95,	97,	367,	369		
		378,	380,	381,	1050		
Hunting laws, violations by minors .....	272,	275,	314,	317,	356		
Hurlbert, Harry L., in favor of .....	144,	145,	159,	194,	224,	232	
Hydraulic brake fluids, sale and use of	241,	315,	317,	479,	537,	538,	566

## I

Illegal operation of boats, penalty for .....	372,	457,	458,	465,	504		
Immunities, members National Guard .....	240,	241,	291,	297,	329		
Improving ski area facilities in N. H. ....	76,	77,	92,	97,	166,	419	
Income taxes, overpayment of .....	79,	121,	129,	816,	817,	859	
Incompatible town offices, relating to .....	11,	38,	39,	40,	43,	92	
Incorporate NH Dental Service Corp. ....	827,	873,	874,	972			
Increase, parliamentary rights, Mayor, Nashua .....	170,	980,	981,	1050			
Increase, terms, office clerk, Nashua .....	479,	480,	599,	610,	762		

Industrial buildings, state guarantee, mortgages .....	848,	849,	927
	928,	1033,	1046
Industrial waste treatment, financing of 287, 288, 423, 437, .....	443,	455,	505
Information reports, small business .....	140,	165,	166,
	167,	319,	342
Inquests, medical referees, reports .....	56,	112,	118,
	125		
Installation public telephones, streets .....	169,	170,	243
Institutions, inter-departmental committee on .....	64,	289,	297,
	329		
Instruments, recording of .....	541,	585,	596,
	773,	813	
Insurance agents, financing of .....	611,	615,	873,
	874		
Insurance brokers fees .....	455,	521,	535,
	545,	839,	840
	858,	906,	907,
	919,	991	
Insurance on police employees .....	599,	968	
Intellectually retarded children, education of 649, 651, 781, 782, 787, 888			
Interest charges, home loan mortgages .....	954,	956,	1007,
	1028		
Interim Commission, appointment of .. 138, 337, 339, 346, 509, 542, 1048			
Interim Succession Act, establishing .....	57,	98,	294,
	298		
Interstate highway, General Merrill .....	23,	59,	63,
	90		
Interstate highway, naming of .....	468,	481,	482,
	484,	489,	505
Interstate highway system, outdoor advertising on .. 415, 417, 791, 793, 795			
	813,	840,	841,
	858,	868,	869,
	870,	912	
Interstate school district, Hanover .....	384,	385,	424,
	425,	437,	476
Introduction of bills.. 11, 23, 31, 37, 44, 48, 50, 57, 65, 71			
	85,	93,	106,
	121,	145,	156,
	188,	190,	225,
	241		
	251,	276,	299,
	305,	320,	335,
	349,	354,	372,
	385		
	395,	422,	439,
	456,	467,	481,
	496,	512,	520,
	541		
	553,	758,	787,
	845,	858,	901,
	914,	971	
Investigation, advisability, consumer council .....	222,	276,	277,
	285		
Investments legal, for guardians .....	188,	242,	244,
	352,	378	
Investments legal, for trustees .....	188,	241,	244,
	352,	378	
Issuance of licenses, examination for .....	320,	1049	
Issuance short term loans, highway .....	438,	439,	749,
	755,	812	

## J

Judgments, against State of N. H. ....	615,	776,	786,	955,	995
Judicial referee, office of, established .....	598,	659,	667,	762	
Jurisdiction, director of tobacco products .... 372, 471, 505, 508, 650, 666					
	251,	375,	382		
Jurisdiction, state over air bases .....	92,	123,	129,	143	
Justice, Concord municipal court, salary .....	393,	394,	441,	448,	460,
	504,	510			
Justice, Dover Municipal court, salary.. 393, 394, 441, 448, 460, 504, 510					
Justice, Northumberland municipal court, relating to .....	272,	275,	315		
	317,	329,	444		
Juveniles, mental treatment of .....	105,	164,	167,	179	

## K

Kancamagus highway, naming of .....	551,	552,	760,	771,	812
Keene, city of, amending charter .....	93,	141,	142,	144,	154
Kensington, legalizing meeting .....	787,	903,	955,	991	

## L

LaCaisse Populaire Ste. Marie, relating .....	481,	621,	626,	830,	888
Laconia, city of, insurance benefits, employees .....	272,	275,	909		
Laconia state school, population of .....	287,	288,	390,	392,	427
Laconia state school, rate of support inmates .....	830,	831,	1050		
Lahaye, Fred, in favor of .....	773,	775,	1050		
Lake Sunapee, regional planning authority .. 287, 288, 314, 315, 317, 329					
Lake Winnisquam, aquatic nuisances .....	455,	456,	630,	648,	665
Land, acquisition, propropagation of game .... 333, 334, 390, 391, 392, 427					



Leave of absence .....	37,	165,	240,	245,	271,	280,	287,	307,	317
	347,	383,	394,	420,	508,	668,	757,	867	
Lebanon, city of, benefits for employees .....							272,	275,	908
Lebanon, city of, classification of .....				11,	61,	63,	137,	143	
Lebanon, regional airport, financing of .....				615,	748,	755,	898,	991	
Legalizing Antrim, school meeting 1961 .....				466,	467,	513,	516,	542	
Legalizing Auburn, school meeting 1961 .....				544,	548,	578,	582,	606	
Legalizing Exeter, town meeting 1961 .....				627,	629,	946,	969,	1016	
Legalizing Kensington, school meeting 1961 .....					787,	903,	955,	991	
Legalizing Newbury, annual meeting 1961 ...	629,	750,	751,	755,			900,	969	
Legalizing New Ipswich, biennial election 1960									
Legalizing Monadnock Regional school district, organization meeting							395,	472	
							477,	568,	586
Legalizing Northwood, school meeting .....				466,	467,	513,	516,	542	
Legalizing Roxbury, annual town meeting, 1961 .....							797,	813,	842
Legalizing Walpole Fire district meeting, 1961 ....	479,	480,	524,	535,	542				
Legalizing Walpole Village District meeting, 1961 .....			479,	524,	535,	542			
Legislature, additional appropriation for ....	329,	330,	342,	773,	775,	812			
Legislature, attaches, salaries of .....	229,	388,	389,	392,	894,	895			
	896,	918,	1008,	1009,	1014,	1045			
Legislature, mileage, relating to .....	598,	759,	811,	830,	841				
Liability, education of children .....				758,	915,	1044			
Liability, for support, certain cases .....	31,	50,	51,	55,	137,	143			
Liability, insurance, automobile..	44,	86,	87,	89,	91,	333,	334,	356	
Liability, landowners, relating to .....	333,	335,	444,	751,	755,	841			
Liability, operation of air navigation facilities .....				537,	540,	1050			
Liability, violation, law of road .....	333,	335,	376,	377,	382,	388,	414		
Library commission, to enter into agreements .....	187,	187,	301,	304,	329				
Licenses, free fish and game, resident members, armed forces ...	466,	467,	585						
				596,	606				
Licenses, revocation of, to hunt .....	333,	334,	391,	392,	427				
Licenses, special, nonresident members, armed forces ....	466,	467,	577,	582					
			598,	614,	666				
Licenses, taking clams and oysters .....	627,	629,	761,	772,	813				
Licensing, auctioneers, relating to .....	101,	175,	185,	922,	924				
		925,	1030,	1041,	1046				
Licensing, dogs .....			106,	288,	296,	414			
Liens, attachment, relating to .....		183,	277,	280,	384,	391			
Life and health insurance, for town employees	272,	275,	487,	488,	489,	504			
Life insurance policies, non forfeiture benefits .....	224,	225,	342,	346,	356				
Limitation of weight, motor vehicles .....				652,	1052				
Limited access highways, authorization to lay out ..	120,	121,	192,	223,	232				
Limited access highways, regulations for .....	49,	50,	75,	76,	78,	85			
Line agreements, notation of .....				241,	397				
Liquified gas, transportation of .....	114,	145,	316,	317,	354				
Liquors and beverages, consumption of .....	848,	850,	851,	889,	890,	891			
Liquors and beverages, qualifications for serving .....			48,	122,	129,	273			
Liquors and beverages, Sunday sale of..	272,	275,	527,	529,	535,	545,	566		
Liquors, licenses, prohibiting suspension of .....				156,	749,	768			
Lisbon, made separate town of, part of	848,	849,	875,	957,	958,	960,	961		
	973,	1022,	1023,	1027,	1028,	1029,	1045		
Little, Wilbur J., in favor of .....			537,	540,	601,	610,	666		
Littleton Parking District, creation of .....			858,	956,	985,	1026,	1045		
Lobster, maximum size of .....	415,	417,	498,	542,	543,	1050			
Lobster, meat, license for sale of .....	415,	417,	498,	508,	549				
Lobster meat, processing of .....	415,	417,	497,	498,	508,	549			
Local school districts, aid to .....					50,	1051			
Lost persons, equipment used for search .....	574,	575,	633,	634,	648,	666			
Lounges, special licenses, airports .....	79,	147,	149,	151,	153,	155			
		233,	490,	491,	492,	534			

## M

Mace, Nathan and Leona, in favor of .....	466,	467,	526,	527,	535,	542
Maine, N. H. Interstate Bridge authority, in powers of ...	106,	603,	604,	609		
		855,	889,	947		
Manchester, election, municipal .....	479,	480,	783,	784,	786,	811
Manchester, employee benefits .....				272,	275,	909
Manchester, relating to retired employees .....	816,	818,	885,	891,	968	
Manchester, water supplies for .....	649,	651,	837,	838,	865,	889
Marriage, counselling service, establish .....	848,	849,	875,	910,	912	
		928,	929,	974,	1028	
McCullough, James C., in favor of .....	157,	158,	159,	180		
McPhee, Robert, in favor of .....				875,	876	
Medical assistance, aged .....	354,	630,	631,	633,	648,	897, 919, 995
Medical referees, inquest reports of .....			56,	112,	118,	125
Melber, Maier, estate of .....				146,	193,	194
Mental treatment, juveniles .....			105,	164,	167,	179
Mentally ill, commitment of .....		169,	170,	171,	227,	239, 278
Merger, certain departments ....	98,	195,	197,	199,	200,	202, 204, 206
	208,	210,	212,	214,	216,	218, 220, 221
	223,	589,	590,	591,	593,	595, 842
Merrimack County, election commissioner .....	159,	752,	755,	898		
		962,	963,	991		
Merrimack river, bridge, extension time .....	144,	145,	328,	332,	378	
Mileage, legislative .....	598,	759,	811,	830,	841	
Milk, control act, operation of .....	455,	456,	494,	508,	519	
	575,	581,	605,	628,	666	
Milk, definition of adulteration of .....	65,	64,	176,	177,	185,	232
Milk, fees for necessary receiving station for .....	308,	475,	477,	489,	504	
Minimum service retirement benefits .....				225,	783	
Mink, ranch bred, relating to .....	387,	388,	458,	465,	504	
Minor children, homestead right of .....	188,	242,	244,	352,	378	
Monadnock Regional School, legalizing meeting ...	395,	472,	477,	568,	586	
Morneau, Priscilla, in favor of .....	466,	467,	554,	555,	567, 575, 586	
Mortgages guarantee, industrial buildings ...	848,	849,	927,	928,	1033,	1046
Motor vehicle, fees .....	106,	229,	238,	461,	462,	463, 464, 551
Motor vehicle, liability policies, cancellation .....					11,	1049
Motor vehicle, sales finance ....	352,	354,	601,	602,	610,	627, 669, 822
Motor vehicles, brake fluid for .....	241,	315,	317,	479,	537,	538, 566
Motor vehicles, limitation of weight .....					652,	1052
Motor vehicles, mufflers on .....	241,	326,	327,	337,	345,	510, 511
	537,	651,	664,	665,	842,	1048
Mount St. Mary's convent, charter .....		225,	282,	285,	345,	356
Moving sidewalks, construction of ....	518,	520,	569,	574,	605,	628, 666
Municipal budget law, appropriation .....	140,	164,	165,	167,	308,	342
Municipal courts, appeals from .....	415,	417,	458,	465,	504	

## N

Nashua, airport authority, creation .....	496,	746,	747,	748,	755,	858
Nashua, airport authority, creation .....				848,	850,	889
Nashua, clerk, increase term of office .....	479,	480,	599,	610,	762	
Nashua, mayor, parliamentary rights .....		170,	980,	981,	1050	
Nashua, mayor, relating to salary ....	479,	1050,	44,	75,	78,	170, 233
Nashua, Protestant Home, aged women ....	56,	57,	79,	80,	83,	90
National guard, immunities of members .....	240,	241,	291,	297,	329	
Needy blind, assistance to .....				57,	294,	298
Nesmith Trust Fund, relating to .....	12,	58,	59,	63,	538,	542
Newbury, legalizing vote .....	629,	750,	751,	755,	900,	969
New Boston, classification highway .....	169,	170,	328,	332,	353,	378
New Hampshire Business development..	518,	520,	553,	566,	571,	583, 586
New Hampshire, dental service corp. ....			827,	873,	874,	912
New Hampshire, improving ski areas .....	76,	77,	92,	97,	166,	419



New Hampshire, soldiers home, personnel of .....	159,	290,	291,	296,	358
	359,	377,	388,	427	
New Hampshire, state port authority .....			186,	187,	1012
New Hampshire, tuberculosis asso. ....		668,	670,	754,	812
New Hampshire, veterans association .....	308,	309,	359,	370,	378
New Ipswich, legalizing election in .....	120,	121,	147,	155,	180
Northwood, legalizing school meeting .....	466,	467,	513,	516,	542
Norwich, interstate school district .....	384,	385,	424,	425,	437, 476
Notation, line agreements .....				241,	397
Nuisance aquatic, control of .....	455,	456,	630,	618,	665
Number plates, registration emergency vehicles .....		773,	774,	916,	920
		947,	1011,	1014,	1044
Nursing homes, fire prevention in ....	422,	599,	600,	601,	609, 955, 991
Nursing scholarship programs, funds for .....		598,	777,	786,	888

## O

Offenses, against person .....	186,	187,	258,	259,	260, 261, 263
	264,	266,	267,	268,	271, 293
Open season, taking fisher .....	333,	335,	496,	497,	508, 547, 566
Operating fee, aircraft .....	385,	503,	819,	829,	913, 1014, 1029
Operation boats illegal, penalties for .....		372,	457,	458,	465, 504
Operation Forest Hills Hotel .....		136,	137,	159,	170, 179
Operation Fort Dearborn State Park .....	466,	467,	759,	760,	771, 813
Operation milk control act .....		455,	456,	494,	508, 519
		575,	581,	605,	628, 666
Opinion, court .....				425,	426, 427
Order vacated .....	97,	98,	143,	171,	467, 468, 670, 754
Orford fire engine company charter .....				611,	615, 1050
Overpayment, income taxes .....		79,	121,	816,	817, 859
Outdoor advertising, interstate system .....		415,	417,	791,	794, 813, 840
		841,	858,	868,	869, 870, 912
Oxen, exemption taxation .....				287,	288, 396
Oysters, licenses for taking .....		627,	629,	761,	772, 813

## P

Parimutuel pools, horse races .....		136,	137,	229,	239
Participation state, group insurance .....	611,	615,	783,	786,	842
Paternity, uniform act on .....		438,	439,	576,	577
Payment, association dues, appropriation for .....		121,	129,	174,	175
			185,	348,	369
Payment, expenses, constitutional convention .....	537,	541,	617,	618,	626, 666
Penalty for intimidation of officials ....	11,	51,	52,	53,	226, 238, 438
Penalty obtaining telecommunications .....			105,	147,	155, 179
Perambulation, Maine-NH boundary line .....		466,	618,	626,	666
Permanent police officers, relating to .....	300,	320,	331,	509,	510, 572
Permanent state employees, appeals for .....	318,	319,	423,	424,	437, 461
Petitions, for inquiry .....		276,	314,	317,	438, 461
Plante, Francis P., in favor .....				773,	775, 812
Plymouth Guaranty Savings Bank, charter .....		773,	774,	823,	829, 859
Police departments, budgets for .....				156,	1049
Police employees, insurance for .....				599,	968
Police training school, establishment of .....				598,	1050
Policemen's retirement system .....	509,	512,	658,	659,	667, 812
		597,	598,	658,	667, 762
				972,	974, 991
Porcupines, bounties on .....				272,	275, 909
Portsmouth, insurance benefits for employees of .....				167,	349, 367
Portsmouth, municipal court, salary of clerk .....	140,	164,			
Potter, R. Wilbur, in favor of .....				848,	850, 888
Poultry dealers, bond for .....	348,	349,	513,	516,	542

Powers, county commissioner, parking areas .....	241,	291,	297
Powers, county convention, transfer appropriations .....	479,	523,	535, 542
Powers, increasing, college advanced science .....	309,	482,	488, 551, 566
Primary election, Manchester .....	544, 548,	887,	888, 919, 987, 1017
Private boat registration, fees for .....	455,	456,	570, 574, 606
Private development, public lands .....	146,	456,	457, 464
Private roadway, trespassing on .....	106, 163,	167,	298, 329, 353, 378
Procedure establishing, commercial code records .....	329,	330,	360, 361
	362,	370,	384, 391
Processing data systems, relating to .....	372,	472,	473, 477, 489, 504
Professional fees, disposition of .....			568, 1050
Prohibiting solicitations from candidates ....	352,	354,	397, 398, 412, 444
Propagation, acquisition of land for game ..	333,	334,	390, 391, 392, 427
Property, disposition of abandoned .....	156,	584,	585, 596, 773, 842
Property tax exemption, ski areas .....		65,	311, 312, 317, 914
Protection, Boar's Head, Hampton .....		245,	824, 825, 829
Protection, railroad crossings ....	11, 166,	182,	184, 385, 387, 394, 1049
Provisions, regulating, sale of milk .....		308,	474, 477, 489, 541
Public accommodation, prohibit discrimination ...	479,	489,	481, 515, 876
	877,	878,	879, 892, 912, 987, 1017
Public recreational facilities .....		384,	385, 425, 437, 461
Public schools, double taxation, relief from .....			188, 284, 285
Public taxes, new apportionment of .....	349,	470,	471, 477, 568, 586
Public telephones, installation of .....			169, 170, 243
Public water sources, protection of .....	136,	137,	228, 239, 268
Public water supply, disinfection of .....	574,	575,	797, 814, 888
Public works, bonds for .....	188,	327,	328, 331, 898, 968
Public works, collusive bidding, contracts .....	599,	752,	755, 856, 889
Public works, establishing, dept., Derry .....		79,	191, 224, 921
Public works, reports of commissioner of .....		50,	82, 83, 90
Publication, commercial code .....	136,	137,	310, 311, 317, 342
Purchase of milk, for resale .....	308,	474,	475, 477, 489, 504
Purchase, soldier's Home .....			70, 71, 85
Pushee, Florence, in favor of .....	466,	467,	525, 526, 535, 542

## Q

Quail, sale of .....	387,	388,	458,	459,	465,	504
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## R

Racing Commission, report of .....	146,	257,	270,	352,	378
Radiation protection, relating to .....	100,	101,	193,	223,	298, 299, 329
Read and Referred ..	47,	48,	50,	54,	56, 64, 70, 85, 93, 105
	121,	145,	158,	170,	225, 240, 250, 275, 281, 288
	299,	305,	308,	319,	320, 330, 334, 349, 353, 372
	385,	417,	422,	438,	448, 456, 466, 479, 481, 493
	512,	519,	540,	548,	552, 558, 560, 669, 758, 774
	818,	827,	830,	849,	900, 914, 525, 948, 956, 963
					974, 975, 992
Real estate brokers, licensing of .....	611,	615,	791,	814,	839, 858, 888
Recess .....	10,	12,	17,	37,	167, 186, 265, 267, 286, 439
	449,	503,	565,	807,	810, 848, 859, 885, 892, 913
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Redevelopment projects, bonds for .....		44,	76,	77,	78, 240, 278
Redistricting, senatorial districts .....	773,	774,	814,	912,	930, 932, 934
		936,	939,	942,	944, 969, 1017
Reference, correction of, regarding health department .....		106,			176, 185
					955, 991
Registers of probate, salaries of .....	921,	925,	984,	1024,	1045
Registration, barber shops .....				456,	1047

Registration, electricians .....	140,	324,	325,	326
Registration, guides .....	627,	628,	761,	772, 811
Regulating practice, professional engineering .....	100,	101,	142,	144, 154
Released time, music .....	298,	299,	386,	387, 391
Repeal, capital reserve fund, Nashua .....	169,	170,	227,	239, 269
Repeal, charters, corporations .....	496,	599,	609,	816, 889
Representative government, town .....	448,	915,	920,	1016
Representatives, general court, elections .....	921,	925,	970,	981, 982, 983, 1017
Resolutions .....	6,	7,	8,	9, 12, 13, 16, 17, 20, 26
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	55,	66,	67,	106, 108, 109, 111, 139, 145, 154
	157,	182,	184,	233, 243, 247, 249, 269, 270, 273
	279,	280,	287,	294, 296, 297, 306, 415, 476, 514
	774,	844,	846,	915, 952, 973, 979, 986, 988, 990
				992, 1013, 1015, 1024, 1026, 1034
Resources and development, reorganizing ...	171,	652,	754,	762, 764, 766
	784,	786,	810,	840, 843, 844, 1049
Resources, economic development, establishing a department...	649,	651,	652	
	754,	762,	764,	766, 784, 785, 798, 799
	800,	803,	805,	807, 809, 815, 830, 995
Retirement allowances, additional, teachers .....	136,	137,	360,	370, 378
Retirement, amending benefits, payable .....	649,	651,	823,	824, 829, 859
Retirement benefits, Hazel Lord, et al .....	225,	301,	304,	570, 571, 583, 586
Revise, charter, Nashua .....	773,	774,	975,	976, 986, 1017
Revised Statutes Annotated, supplements .....	298,	299,	359,	370, 378, 546, 547
Rockingham county commissioners, salaries .....	519,	520,	659,	667
		819,	858,	888
Rockingham county sheriff, salary .....	663,	664,	667,	762
Roll Calls				
Amendment to Senate Rule 36-B .....				9
SB 13, relative to variations in federal census figures .....				129
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HB 463, motion to discharge Committee of Conference on .....				1002
Rollinsford, reclassifying highways in .....	37,	620,	621,	626, 898, 1049

## S

St. Cyr, William A., in favor of .....	156,	252,	270,	538,	539,	549,	572
Safety, department of, establishing ....	493,	558,	559,	560,	562,	564,	567
	575,	576,	583,	603,	611,	623	
Salary, Belknap county attorney .....	548,	577,	582,	669,	818,	859	
Salary, Dover mayor .....						948	
Salary, grafton county attorney .....			372,	397,	412,	444	
Salary, Rockingham county sheriff .....			663,	664,	667,	762	
Salaries, classified employees, providing	558,	652,	654,	657,	658,	746,	787
	789,	790,	791,	813,	847,	858,	888, 1048
Salaries, classified employees, relating to .....						968,	971
Salaries, state officials and employees .....						23,	1049
Salaries, study of, unclassified .....					54,	55,	62
Sale, horses, for slaughter .....			272,	275,	336,	346,	356
Sale, lobster meat, licenses .....	415,	417,	498,	508,	499,	549	
Sale, shipping, grading, apples .....		337,	388,	496,	508,	542	
Sales, of liquor & beverages, hotels ....	816,	818,	903,	905,	906,	919,	968
Salaries, Secretary & Deputy Secretary of State .....					963,	964,	1045
Salesman real estate, licensing of .....	611,	615,	791,	814,	839,	858,	888
Savings Banks, deposits in..	120,	121,	638,	639,	640,	641,	648, 669, 812
School boards, enlarging or reducing .....			169,	170,	278,	280,	292
School building aid, additional grants .....	649,	651,	780,	811,	815,	859	
School building fund, appropriation for ....	537,	541,	782,	783,	786,	812	
School buses, relating to .....	758,	951,	952,	1009,	1011,	1019,	1044
School district officers, election of .....	438,	439,	471,	472,	477,	505	
School districts, Amherst .....		157,	158,	178,	185,	231	
School Districts, cooperative	509,	512,	578,	580,	582,	650,	817, 818, 859
Senatorial Districts, redistricting..	774,	773,	814,	912,	930,	932,	934, 936
	938,	940,	941,	943,	944,	969,	1017
Short term loans, issuance of .....			438,	439,	749,	755,	812
Ski areas, contributions by towns to .....						188,	914
Ski areas, contributions for .....				65,	312,	313,	317
Small estates, administration .....	333,	335,	375,	376,	382,	393	
Small loans, regulation of .....	583,	879,	880,	882,	884,	885,	891
	955,	964,	966,	967,	1029,	1030,	1046
Somersworth, amend charter of .....	773,	774,	886,	887,	919,	1016	
Souhegan River watershed project .....		972,	974,	992,	995,	1017	
Special head tax, assessment of .....		286,	302,	303,	304,	305	
Special licenses for lounges .....	79,	147,	148,	150,	151,	153	
		155,	233,	490,	491,	492,	534
Special Order ..	126,	128,	166,	174,	180,	223,	269, 270, 277, 279, 294
	296,	303,	306,	323,	350,	505,	532, 542, 748, 750
	766,	768,	770,	811,	842,	844,	889, 891, 909, 915
State advertising .....	136,	137,	309,	310,	317,	329	
State armories, construction of .....	597,	598,	835,	864,	896,	968	
State council on aging .....		816,	818,	944,	970,	1028	
State criminal law, study of .....				991,	992,	1050	
State expenditure, appropriations .....	848,	849,	944,	970,	1028,	1048	
State fire control board .....	816,	818,	872,	873,	874,	912	
State hospital, discharge of inmates from .....					320,	1049	
State hospital, emergency admissions .....	169,	170,	171,	226,	239,	268	
State of New Hampshire, capital improvements		848,	849,	1001,	1003,	1005	
	1007,	1013,	1034,	1036,	1037,	1039	
State park system, expansion of .....						1040	
state park system .....	972,	975,	1019,	1021,	1025,	1030	
	1032,	1034,	1044,	1046,	1047,	1051	
State prison, detention of children in .....			225,	313,	314,	317	
State representatives, apportionment of	11,	114,	116,	118,	166,	171,	173
	174,	233,	234,	236,	238,	359,	378
State retirement system, employees .....						845,	952
Stewartstown, reclassification of roads .....	519,	520,	636,	648,	665		
Sunapee state park, sinking fund .....		598,	821,	829,	888		
Superstructures over highways in towns .....	71,	190,	191,	224,	394,	444	

Supervisory Unions, teacher consultants .....	479,	480,	760,	771,	812
Surface waters classification, Lake Massabesic .....	518,	519,	555,	558	
		567,	575,	606	
Surface waters classification, Otter Brook ....	318,	320,	373,	374,	382,
Surface waters classification, Piscataqua River	157,	158,	252,	253,	270,
Surface waters classification, standard for .....	438,	892,	893,	996	
			998,	999,	1000
Sweepstake races, conduct of .....	551,	552,	899,	972,	1050
Swett, Walter, Memorial Drive, naming of .....	136,	137,	192,	1050	

## T

Taking of beaver, traps .....	144,	145,	194,	223,	232
Taking of deer, one season .....	352,	428,	430,	432,	434,
	531,	535,	611,	612,	613,
	949,	951,	956,	975,	977,
Tattooing, minors .....	385,	441,	443,	448,	538,
Tax abatement proceedings .....	79,	146,	147,	154,	294,
Tax appraisors, registration of .....	318,	319,	354,	357,	378
Tax assessment, relating to .....		79,	121,	129,	187
Tax assessments, unincorporated places .....	188,	282,	285,	413,	444
Tax exemption, national veterans asso. ....		190,	761,	762,	771
		853,	899,	900,	969
Tax head, assessment and collection of .....	286,	302,	303,	304,	305
Taxes, collection of, contractors .....	146,	468,	470,	477,	568,
Taxes, collection on real estate .....		137,	138,	179,	185,
Taxation, annuity premiums .....	333,	335,	439,	441,	448,
Taxation, banks, providing for .....	848,	849,	1015,	1016,	1024,
Taxation, boats, relating to ....	455,	456,	468,	543,	838,
Taxation, corporation property .....	188,	283,	285,	413,	444
Taxation, domestic rabbits, repeal of .....			287,	288,	396
Taxation, fallout shelters, pertaining to .....	240,	241,	283,	286,	294
Taxation, hogs, sheep, goats, repealing .....			287,	288,	296
Taxation house trailers ....	157,	158,	255,	257,	270,
Taxation, livestock, poultry, repealing .....	479,	480,	748,	767,	768,
Taxation, road building equipment .....	85,	142,	144,	318,	319,
Teacher consultants, supervisory unions .....	479,	480,	760,	771,	812
Teachers colleges, broader curriculum .....	65,	177,	178,	185,	319,
Teachers retirement system, amend .....		225,	641,	648,	898,
Teaching person to drive, relating to .....	568,	760,	771,	853,	899,
Technical institutes, relating to .....	647,	795,	796,	797,	813,
Temporary absences, inmates state hospital .....					320,
Temporary employees, relative to ....	913,	914,	929,	930,	963,
Term of office, member soil conservation committee .....	611,	615,	670,	944	
		945,	969,	1017	
Terranova, Ramona, in favor of .....					146
Thompson Avenue, classification change .....				335,	502
Timber tax law, notice of cutting under .....	241,	283,	286,	394,	444
Town bridge aid .....		11,	34,	35,	225
Town, incompatible offices .....	11,	38,	39,	40,	43,
Training, fire fighters, providing for .....		972,	975,	984,	985,
Training, safe handling, firearms .....	466,	467,	662,	663,	668,
Transportation, deer .....	384,	385,	459,	464,	504
Transportation, liquified petroleum gas .....	114,	145,	316,	317,	354
Trespassing on uncultivated land. 553,	615,	617,	625,	647,	896,
Trustee, legal investments for .....	188,	241,	242,	244,	352,
Trustees, Dartmouth College .....		169,	170,	228,	239,
Trustees, to invest in life insurance	536,	540,	753,	755,	773,
Trust companies .....	272,	275,	362,	363,	370,
Trusts, devises and bequests to .....		79,	111,	118,	281,
Turnpikes, classification of .....	49,	50,	81,	82,	83,
Turnpikes, revenue from .....			50,	90,	91,

## U

Unauthorized insurers, false advertising process act	144,	145,	251,	271,	294
Uncultivated land, trespassing on	553, 615, 617,	625,	647,	896,	897, 995
Unemployment compensation, relating to	186, 188,	339,	340,	342,	346
	353, 386, 758,	821,	874,	897,	898, 968
Uniform Commercial Code, fees	333, 335,	398,	399,	400,	412, 444
Uniform, make, banking laws	848,	849,	980,	1044,	1045, 1046
Uniform motor vehicle, certificate of title			553,	660,	766
Unincorporated places, tax assessments	188,	282,	285,	413,	444
Union Insurance Co. of America, change name	84,	85,	111,	112,	118, 125
Union school district, Concord, election of members			894,	900,	901
			985,	995,	1017
Unions, credit, relating to	649,	651,	963,	970,	971, 1044
U.N.H., construction dining hall	536,	540,	750,	755,	812
U.N.H., construction dormitory	536,	430,	749,	755,	812
U.N.H., construction physical education building		894,	900,	954,	1016
U.N.H., school of business at	23,	140,	141,	144,	293, 298
U. of Vermont, agreements with	537,	541,	750,	755,	812
Use of house boats, controlling		553,	661,	662,	667
Use of traps, taking beaver	144,	145,	194,	223,	232

## V

Validate, Allenstown school district meeting		395,	466,	505
Valley Trust Company, provide relief, depositors	11,	425,	426,	427, 1049
Violation of law, liability for	333, 335,	376,	377,	382, 388, 414
Violations, hunting law by minors	272,	275,	314,	317, 356
Violations, water pollution commission orders	100,	101,	243,	253
		254,	270,	293
Voting, absentee, relating to		240,	315,	317, 356
Voting, county budgets, annually	627,	629,	751,	755, 841
Voting machines, use of, Manchester		973,	975,	1012, 1028

## W

Walpole Fire district meeting, legalizing	479,	480,	524,	535,	542
Walpole Village, district meeting, legalizing	479,	524,	535,	542	
Water pollution control, state aid for	100,	101,	254,	255,	270, 293
Wild animals, open season on	518,	520,	660,	661,	667, 812
Wild deer, taking, Durham	186,	187,	335,	336,	346, 354
Willard, Herbert Andrew, in favor of			448,	449,	461
Wolves, bounty on	466,	467,	946,	970,	991
Workmen's Compensation law, relating to	568,	636,	637,	638	
		648,	665,	882	













